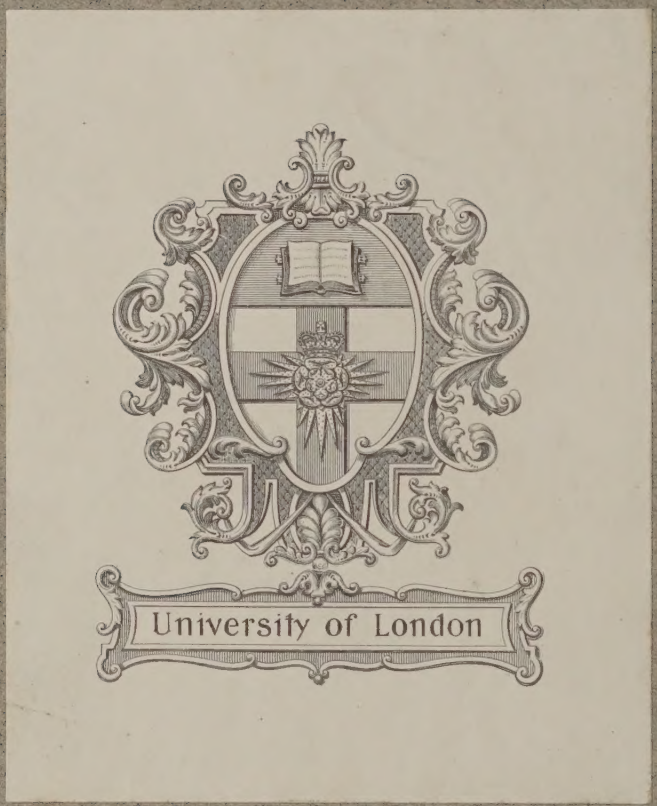
University of London

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REPORTS

FROM

COMMITTEES:

SEVEN VOLUMES.

—(4.)—

FACTORIES AND WORKSHOPS BILL;
LOCAL TAXATION;
PAWNBROKERS; PRISONS AND PRISON MINISTERS ACTS;
PUBLIC PROSECUTORS BILL.

Session

8 *February* —— 10 *August* 1870.

VOL. VIII.

1870.

REPORTS FROM COMMITTEES:

1870.

SEVEN VOLUMES:—CONTENTS OF THE

FOURTH VOLUME.

N. B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

FACTORIES AND WORKSHOPS BILL:

378. Report and Special Report from the Select Committee on the Factories and Workshops Bill; with the Proceedings of the Committee - - - - - - - - - - - p. 1

LOCAL TAXATION:

353. Report from the Select Committee on Local Taxation; together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index - - - - - - - - - 9

PAWNBROKERS:

377. Report from the Select Committee on Pawnbrokers; together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index - - - - - - - - - - 391

PRISONS AND PRISON MINISTERS ACTS:

259. Report from the Select Committee on Prisons and Prison Ministers Acts; together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index - - - - - - 715

PUBLIC PROSECUTORS BILL:

260. Minutes of Proceedings of the Select Committee on the Public Prosecutors Bill - - - - - - - - - - 987

REPORT

AND

SPECIAL REPORT

FROM THE

SELECT COMMITTEE

ON THE

FACTORIES AND WORKSHOPS BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
21 *July* 1870.

378.

Monday, 11*th July* 1870.

Ordered, THAT the Factories and Workshops Bill be read a second time, and committed to a Select Committee.

Tuesday, 12*th July* 1870.

Select Committee nominated :—

Mr. Ayrton.	Mr. E. W. Verner.
Lord John Manners.	Sir David Salomons.
Mr. Edmund Potter.	Mr. Joshua Fielden.
Mr. Frederick Stanley.	Lord Frederick Cavendish.
Mr. Richard Shaw.	Mr. Orr Ewing.
Mr. Mellor.	Mr. Mundella.
Mr. Graham.	Mr. Kay-Shuttleworth.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Wednesday, 13*th July* 1870.

Ordered, THAT Mr. Holt be added to the Committee.

Thursday, 21*st July* 1870.

Ordered, THAT the Committee have leave to make a Special Report.

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SPECIAL REPORT - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - p. iv

REPORT.

THE SELECT COMMITTEE to whom the FACTORIES and WORKSHOPS BILL was referred;—HAVE gone through the Bill, and made Amendments thereunto.

SPECIAL REPORT.

THE SELECT COMMITTEE to whom the FACTORIES and WORKSHOPS BILL was referred;—HAVE agreed to the following SPECIAL REPORT:—

THE attention of the Committee has been called to the operation of the Factory Extension Act and the Workshops Regulation Act, 1867, on persons professing the Jewish religion, and they are of opinion that the existing regulations bear hardly on that class of persons.

Your Committee, however, while recommending this subject to the consideration of Her Majesty's Government and Parliament, are not prepared to deal with this question in the Bill referred to them.

21 *July* 1870.

PROCEEDINGS OF THE COMMITTEE.

Wednesday, 13*th July* 1870.

MEMBERS PRESENT:

Mr. Ayrton.	Mr. Joshua Fielden.
Lord John Manners.	Mr. Frederick Stanley.
Mr. E. Potter.	Sir David Salomons.
Mr. Mundella.	Mr. E. W. Verner.
Mr. Richard Shaw.	Lord Frederick Cavendish.

Mr. *Ayrton* was called to the Chair.

The Committee deliberated.

[Adjourned to Friday next, at Twelve o'clock.

Friday, 15*th July* 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Mr. Mundella.	Mr. Kay-Shuttleworth.
Lord John Manners.	Mr. Orr Ewing.
Mr. Joshua Fielden.	Mr. Richard Shaw,
Lord Frederick Cavendish.	Mr. Frederick Stanley.
Mr. Holt.	Mr. E. W. Verner.
Mr. Mellor.	Mr. E. Potter.
Mr. Graham.	Sir David Salomons.

The Committee deliberated.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 18*th July* 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Mr. E. Potter.	Mr. E. W. Verner.
Mr. Graham.	Mr. Holt.
Mr. Orr Ewing.	Mr. Frederick Stanley.
Mr. Richard Shaw.	Sir David Salomons.
Mr. Kay-Shuttleworth.	Lord Frederick Cavendish.
Lord John Manners.	Mr. Mundella.
Mr. Joshua Fielden.	

The Committee deliberated.

[Adjourned till To-morrow, at Twelve o'clock.

Tuesday, 19*th July* 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Lord John Manners.
Mr. Joshua Fielden.
Mr. E. W. Verner.
Mr. Holt.
Mr. Frederick Stanley.
Mr. E. Potter.
Mr. Graham.
Lord Frederick Cavendish.
Mr. Mellor.
Mr. Kay-Shuttleworth.
Mr. Richard Shaw.
Sir David Salomons.
Mr. Orr Ewing.

The Committee deliberated.

Resolved, "That the attention of the Committee having been called to the operation of the Factory Extension Act and the Workshops Regulation Act, 1867, on persons professing the Jewish Religion, they are of opinion that the existing regulations bear hardly on that class of persons.

"That the Committee, however, while recommending this subject to the consideration of Her Majesty's Government and Parliament, are not prepared to deal with this question in the Bill referred to them"—(Lord *John Manners*).

[Adjourned till To-morrow, at Two o'clock.

Wednesday, 20*th July* 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Lord John Manners.
Mr. Holt.
Mr. E. Potter.
Mr. Frederick Stanley.
Mr. Joshua Fielden.
Mr. Mellor.
Mr. Kay-Shuttleworth.
Mr. Graham.
Mr. Orr Ewing.
Mr. Richard Shaw.
Mr. E. W. Verner.
Sir David Salomons.
Lord Frederick Cavendish.

Preamble *postponed.*

Clauses 1 and 2, *agreed to.*

Clause 3, amended, and *agreed to.*

Clause 4, amended.—Amendment proposed, at the end of the Clause, to add the words "where the occupier of a workshop is a person of the Jewish religion, and it is his custom to have a cessation from work by his workpeople on the Jewish Sabbath, it shall be lawful for such occupier to allow persons of the Jewish religion to work within such workshop on Sundays till the hour of one o'clock in the afternoon, and neither the occupier of such workshop, nor the parent of such child, young person, or woman being of the Jewish religion, shall be liable to any penalty under the provisions of the Act of the 30th and 31st Vict. c. 146"—(Sir *David Salomons*).—Question, That those words be there added, put, and *negatived.*

Clause, as amended, *agreed to.*

Clause 5, amended, and *agreed to.*

Clause 6, *agreed to.*

First Schedule,—

Paragraphs 1–5, *disagreed to.*

Paragraph 6.—Question put, That this paragraph stand part of the Schedule.—The Committee divided:

Ayes, 2.	Noes, 10.
Mr. Orr Ewing.	Lord Frederick Cavendish.
Mr. Graham.	Mr. Joshua Fielden.
	Mr. Holt.
	Mr. Kay-Shuttleworth.
	Lord John Manners.
	Mr. Mellor.
	Mr. E. Potter.
	Mr. Richard Shaw.
	Mr. Frederick Stanley.
	Mr. E. W. Verner.

Schedule further amended, and *agreed to.*

Second Schedule amended, and *agreed to.*

Third Schedule *agreed to.*

Preamble *agreed to.*

Resolved, "That the Chairman do move for leave to make a Special Report."

SPECIAL REPORT proposed by Lord *John Manners* read, and *agreed to.*

Bill, as amended, to be reported.

Ordered, To Report.

REPORT

AND

SPECIAL REPORT

FROM THE

SELECT COMMITTEE

ON THE

FACTORIES AND WORKSHOPS BILL;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
21 *July* 1870.

378. *Under* 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

LOCAL TAXATION;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
15 *July* 1870.

Monday, 21*st February* 1870.

Ordered, That a Select Committee be appointed to inquire and report whether it be expedient that the charges now locally imposed on the occupiers of rateable property should be divided between the owners and occupiers, and what changes in the constitution of the local bodies now administering rates should follow such division.

Ordered, That it be an instruction to the Committee to inquire further into the proper classification of rates, with a view to determine their proper incidence upon the owners or occupiers of such rateable property.

Thursday, 3*rd March* 1870.

Ordered, That the Select Committee on Local Taxation do consist of Twenty-one Members.

Committee nominated of—

Mr. Hunt.
Mr. Ayrton.
Sir Massey Lopes.
Mr. Acland.
Mr. Corrance.
Mr. Rathbone.
Mr. Pell.
Mr. George Gregory.
Sir William Tite.
Mr. Fielden.
Sir Hedworth Williamson.
Mr. William Henry Smith.
Mr. Backhouse.
Mr. Wheelhouse.
Mr. St. Aubyn.
Colonel Brise.
Sir James Lawrence.
Mr. Birley.
Mr. Walter.
Mr. Charles Seely, jun.
Mr. Goschen.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Seven be the Quorum of the Committee.

Friday, 15*th July* 1870.

Ordered, That the Committee have power to report their opinion, together with the Minutes of Evidence taken before them, to The House.

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PROCEEDINGS OF THE COMMITTEE - - - - - - - p. v
MINUTES OF EVIDENCE - - - - - - - - - p. 1
APPENDIX - - - - - - - - - - - - - - p. 279

REPORT.

THE SELECT COMMITTEE appointed to Inquire and Report whether it is expedient that the CHARGES now locally imposed on the OCCUPIERS of RATEABLE PROPERTY should be divided between the OWNERS and OCCUPIERS, and what Changes in the Constitution of the Local Bodies now administering Rates should follow such Division;——HAVE considered the Matters to them referred, and have come to the following RESOLUTIONS, which they have agreed to Report to the House:

1. THAT your Committee, without pledging themselves to the view that all rates should be dealt with in the same manner, are of opinion:

(*a.*) That the existing system of local taxation, under which the exclusive charge of almost all rates leviable upon rateable property for current expenditure as well as for new objects and permanent works is placed by law upon the occupiers, while the owners are generally exempt from any direct or immediate contributions in respect of such rates, is contrary to sound policy.

(*b.*) That the evidence taken before your Committee shows that in many cases the burden of the rates, which are directly paid by the occupier, falls ultimately, either in part or wholly, upon the owner, who, nevertheless, has no share in their administration.

(*c.*) That in any reform in the existing system of local taxation, it is expedient to adjust the system of rating in such a manner that both owners and occupiers may be brought to feel an immediate interest in the increase or decrease of local expenditure, and in the administration of local affairs.

(*d.*) That it is expedient to make owners as well as occupiers directly liable for a certain proportion of the rates.

(*e.*) That, subject to equitable arrangements as regards existing contracts, the rates should be collected, as at present, from the occupier (except in the case of small tenements, for which the landlord can now, by law, be rated), power being given to the occupier to deduct from his rent the proportion of the rates to which the owner may be made liable, and provision being made to render persons having superior or intermediate interests liable to proportionate deductions from the rents received by them, as in the case of the income tax, with a like prohibition against agreements in contravention of the law.

2. That your Committee have examined many witnesses, and received at their hands very conflicting opinions as regards the proportion in which the burden of rates at present falls relatively on owners and occupiers.

3. That in the event of any division of rates between the owner and occupier, it is essential that such alterations should be made in the constitution of the bodies administering the rates as would secure a direct representation of the owners adequate to the immediate interest in local expenditure which they would thus have acquired.

4. That justices of the peace should no longer act *ex officio* as members of any local board in which such direct representation of owners has been secured.

5. That the great variety of rates levied by different authorities, even in the same area, on different assessments, with different deductions, and by different collectors, has produced great confusion and expense; and that, in any change of the law as regards local taxation, uniformity and simplicity of assessment and collection, as well as of economy of management, ought to be secured as far as possible.

6. That the consolidation into one rate of all local rates collected within the same area is a matter of great importance; and that your Committee concur in the Resolution of the Select Committee on Poor Rates Assessment, 1868, which recommended one consolidated rate, viz., "that a demand note should be left with each ratepayer on the rate being made, stating the amount of the requisitions, the rate in the pound for each purpose, and the period for which the rate is made, the rateable value of the premises, the amount of the rate thereon, and of each payment" of the instalments of the rates.

7. That whilst it is necessary to make provision for limiting, as far as practicable, the disturbance of existing contracts, it would be, on many grounds, undesirable, and almost impracticable, to extend the exemption of property held under leases from the operation of the proposed changes until the expiration of such leases.

8. That the exclusion of the owners of property held under long leases from the right of voting for local authorities, after the proposed changes had taken effect in respect of other property, would lead to much inconvenience and confusion, while, on the other hand, it would be inadmissible to allow them to vote unless they acquired an immediate interest in the rates.

9. That the difficulties of the case would be equitably met by exempting the owners of property held under lease from the proposed division of rates for a period of three years, and by providing that after the expiration of that time the occupiers of such property should be entitled, equally with all other occupiers, to deduct from the rent the proportionate part of the rates to which the owner may become liable, power being given to the owner at the same time to add to his rent a sum equivalent to the like proportionate part of the rates, calculated on the average annual amount of the rates paid by the occupier during the three years above referred to.

10. That by the terms of the reference to them, your Committee were limited to the question of the division of the charges on rateable property between the owners and occupiers, and what changes in the constitution of local bodies administering rates should follow such division; and they have consequently been precluded from entering upon the inquiry of the relations of local and imperial taxation, and the nature of the property liable to the same.

11. That your Committee are of opinion that the inquiry on which they have been engaged forms only one branch of the general question of local taxation, and that other considerations, besides those which have been submitted to their investigation, should be previously taken into account in any general measure giving effect to the above recommendations.

15 *July* 1870.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 8*th March* 1870.

MEMBERS PRESENT:

Mr. Acland.	Sir Hedworth Williamson.
Mr. Backhouse.	Sir James Lawrence.
Sir Massey Lopes.	Mr. Ayrton.
Mr. Corrance.	Mr. Walter.
Mr. Charles Seely.	Mr. Wheelhouse.
Mr. Goschen.	Mr. Hunt.
Mr. Pell.	Mr. Rathbone.
Colonel Brise.	Mr. W. H. Smith.
Mr. George Gregory.	

Mr. GOSCHEN was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 15*th March* 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. Acland.	Sir James Lawrence.
Mr. Walter.	Mr. Charles Seely.
Mr. Corrance.	Mr. George Gregory.
Mr. St. Aubyn.	Mr. Rathbone.
Mr. Backhouse.	Mr. Fielden.
Sir Massey Lopes.	Mr. Birley.
Mr. Pell.	Mr. Wheelhouse.
Colonel Brise.	

Mr. *Danby P. Fry* and Mr. *Francis J. Cochrane* were severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 18*th March* 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. St. Aubyn.	Mr. Fielden.
Mr. Birley.	Sir James Lawrence.
Mr. Corrance.	Mr. Charles Seely.
Mr. Walter.	Mr. George Gregory.
Mr. Acland.	Mr. Backhouse.
Mr. Rathbone.	Mr. W. H. Smith.
Sir Massey Lopes.	Mr. Ayrton.
Colonel Brise.	Mr. Wheelhouse.

Mr. *Tom Taylor*, Mr. *Frederick B. Garnett*, and Mr. *Henry Arthur Hunt*, were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 22nd March 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. Acland.
Mr. Walter.
Mr. Corrance.
Mr. St. Aubyn.
Mr. Backhouse.
Mr. Birley.
Mr. Charles Seely.
Sir James Lawrence.
Colonel Brise.
Mr. Pell.
Mr. Hunt.
Sir Massey Lopes.
Mr. Rathbone.
Sir Hedworth Williamson.
Mr. W. H. Smith.
Mr. George Gregory.
Mr. Ayrton.

Mr. *Thomas Hughes Earle*, Mr. *George Arthur Webb*, and Mr. *Clare S. Read*, a Member of the House, were severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 25th March 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. Acland.
Mr. Walter.
Mr. Corrance.
Mr. Ayrton.
Mr. W. H. Smith.
Mr. Hunt.
Mr. Pell.
Colonel Brise.
Sir James Lawrence.
Mr. Charles Seely.
Mr. Birley.
Mr. Backhouse.
Mr. Rathbone.
Mr. St. Aubyn.
Mr. Fielden.

Mr. *Clare S. Read*, a Member of the House, was further examined.

Mr. *John Lambert* examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 29th March 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. Walter.
Mr. Corrance.
Mr. St. Aubyn.
Mr. W. H. Smith.
Mr. Backhouse.
Mr. Birley.
Mr. Ayrton.
Mr. Rathbone.
Mr. Pell.
Colonel Brise.
Mr. Fielden
Sir James Lawrence.
Mr. Charles Seely.
Mr. George Gregory.
Sir Hedworth Williamson.

Mr. *Henry Pownall*, Mr. *William Henry Wyatt*, and Mr. *Francis H. Glossop*, were severally examined.

Mr. *Danby P. Fry* and Mr. *John Lambert* were severally further examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 1st April 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. Acland.	Mr. Pell.
Mr. Walter.	Mr. Fielden.
Mr. St. Aubyn.	Sir James Lawrence.
Mr. Corrance.	Mr. Backhouse.
Mr. Charles Seely.	Mr. Hunt.
Mr. W. H. Smith.	Mr. Rathbone.
Colonel Brise.	Mr. Ayrton.

Mr. *Andrews* and Mr. *Rogers* were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 5th April 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. Backhouse.	Mr. Charles Seely.
Mr. W. H. Smith.	Mr. George Gregory.
Mr. Corrance.	Mr. St. Aubyn.
Mr. Walter.	Mr. Pell.
Mr. Acland.	Mr. Birley.
Mr. Rathbone.	Sir Hedworth Williamson.
Mr. Hunt.	Mr. Ayrton.
Colonel Brise.	

Mr. *Beloe* was examined.

[Adjourned till Tuesday, 26th April, at Twelve o'clock.

Tuesday, 26th April 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Sir Massey Lopes.	Colonel Brise.
Mr. Pell.	Mr. Fielden.
Mr. St. Aubyn.	Mr. Wheelhouse.
Mr. Charles Seely.	Mr. George Gregory.
Mr. Hunt.	Sir James Lawrence.

Mr. *Squarey* and Sir *Sidney Waterlow* were severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 29th April 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. Backhouse.	Mr. Corrance.
Sir Hedworth Williamson.	Mr. Charles Seely.
Mr. St. Aubyn.	Mr. Birley.
Mr. Walter.	Mr. Rathbone.
Sir Massey Lopes.	Mr. Wheelhouse.
Mr. Pell.	Mr. W. H. Smith.

Mr. *Gray* examined.

The Committee deliberated.

Captain *F. L. Dashwood* and Dr. *W. Neilson Hancock* were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 3rd May 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. George Gregory.
Mr. Birley.
Mr. St. Aubyn.
Mr. Acland.
Mr. Hunt.
Mr. Rathbone.
Colonel Brise.
Mr. Charles Seely.
Mr. Corrance.
Sir Hedworth Williamson.
Sir Massey Lopes.
Sir William Tite.
Mr. Pell.
Mr. Wheelhouse.

Sir *J. Thwaites*, Mr. *Caird*, and Mr. *Hunt*, were severally examined.

[Adjourned till Friday, 6th May, at Twelve o'clock.

Friday, 6th May 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. Birley.
Mr. Backhouse.
Mr. W. H. Smith.
Mr. Walter.
Colonel Brise.
Mr. Fielden.
Sir. James Lawrence.
Mr. Charles Seely.
Sir Massey Lopes.
Mr. Pell.
Sir Hedworth Williamson.
Mr. Rathbone.
Mr. Corrance.
Mr. St. Aubyn.
Mr. Acland.
Mr. Wheelhouse.
Mr. George Gregory.

Mr. *Hayward* and Mr. *Grant* were severally examined.

[Adjourned till Tuesday, 10th May, at Twelve o'clock.

Tuesday, 10th May 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Sir Hedworth Williamson.
Mr. Backhouse.
Mr. W. H. Smith.
Mr. Corrance.
Mr. Walter.
Mr. Rathbone.
Sir Massey Lopes.
Mr. Pell.
Colonel Brise.
Mr. Fielding.
Mr. Wheelhouse.
Sir James Lawrence.

Mr. *Innes* and Mr. *May* were severally examined.

The Committee deliberated.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 13*th May* 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. St. Aubyn.	Sir James Lawrence.
Mr. Corrance.	Colonel Brise.
Mr. Backhouse.	Mr. Pell.
Mr. Walter.	Mr. Hunt.
Mr. Charles Seely.	Mr. W. H. Smith.
Mr. Wheelhouse.	Mr. George Gregory.
Sir Hedworth Williamson.	Mr. Rathbone.
Sir Massey Lopes.	Mr. Birley.

Mr. *W. Middleton*, Mr. *Thomas Aveny*, and Mr. *Dudley Baxter*, were severally examined.

[Adjourned till Tuesday, 24th May, at Half-past One o'clock.

Tuesday, 24*th May* 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Sir Hedworth Williamson.	Mr. Rathbone.
Mr. Backhouse.	Sir Massey Lopes.
Mr. W. H. Smith.	Mr. Pell.
Sir William Tite.	Colonel Brise.
Mr. St. Aubyn.	Mr. Charles Seely.
Mr. Corrance.	Mr. George Gregory.
Mr. Walter.	Mr. Fielden.
Mr. Acland.	Mr. Birley.
Mr. Hunt.	Sir James Lawrence.

The Committee deliberated.

[Adjourned till Tuesday, 21st June, at Twelve o'clock.

Friday, 8*th July* 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. Hunt.	Mr. Rathbone.
Mr. Birley.	Sir James Lawrence.
Mr. Walter.	Mr. Charles Seely.
Mr. Acland.	Mr. Backhouse.
Sir Massey Lopes.	Mr. George Gregory.
Mr. Pell.	Mr. W. H. Smith.
Colonel Brise.	Mr. Wheelhouse.
Sir Hedworth Williamson.	Mr. Ayrton.

DRAFT REPORT proposed by the Chairman, read the first time, as follows:—

THE SELECT COMMITTEE appointed to Inquire and Report whether it is expedient that the Charges now locally imposed on the Occupiers of Rateable Property should be divided between the Owners and Occupiers, and what Changes in the Constitution of the Local Bodies now administering Rates should follow such Division;——Have considered the Matter to them referred, and have agreed to the following REPORT:

"The general nature of the inquiry entrusted to your Committee is sufficiently indicated by the terms of the Resolution under which they were appointed; but it should be stated that it was an instruction to them to inquire further into the proper classification of rates, with a view to determine their proper incidence upon the owners or occupiers of rateable property.

"The principal points upon which your Committee have sought for and obtained information, are the following:

"(A.) The various kinds of local rates which are leviable.
"(B.) The purposes for which they are levied.
"(C.) The authorities by whom they are levied and expended.
"(D.) The manner in which those authorities are constituted.
"(E.) The persons by whom the several rates are paid.
"(F.) The difference in the scale of contribution; and
"(G.) The incidence of the rates, with respect to occupiers and owners generally.

"(A.) The various Rates Leviable.

"The following statement shows the principal rates levied for local purposes:—

"CLASS I.

"Rates levied in primary Districts, such as a Parish.

"1. The Poor Rate.
"2. The Highway Rate.
"3. The Burial Board Rate.
"4. The Lighting and Watching Rate.
"5. The General District Rate.
"6. The Sewerage Rate.
"7. The Towns Improvement Rates.
"8. The Animal Contagious Diseases Rate.
"9. The Church Rate.
"10. The Sewers Rate.
"11. The General Sewers Tax.
"12. The Drainage, Embankment, and Inclosure Rates.

CLASS II

"Rates Levied in Aggregate Districts, such as a County:

"1. The County Rates.
"2. The Hundred Rate.
"3. The Borough Rates.

Appendix, No. 6. "A complete list of the several local rates will be found appended to the evidence of Mr. Danby P. Fry.

"(B.) Purposes for which the Rates are Levied.

"The names of many of the rates mentioned in the foregoing statement show the chief purposes to which they are applicable; but with respect to some of them further explanation is required.

"In the first place it is important to distinguish between that portion of the poor rate which is applied specially for purposes connected with the relief of the poor, and the remaining portion which is devoted to paying the contribution required from the overseers for the county, borough, and other rates, totally unconnected with poor relief.

"It has long since been the practice of Parliament to provide for the levy, through the poor rate, of the sums required for many other local purposes, owing to the facilities afforded

afforded for raising contributions in that manner. In the year ended Lady-day 1869, upwards of 4,000,000 *l.* sterling, out of the amount levied under the name of poor rate, were expended on other objects than the relief of the poor.

"The chief expenditure which the county rates are intended to cover may, as a rule, be taken to be that in respect of county bridges, gaols, and shire halls, county lunatic asylums and county police. But there are many other objects which, in the aggregate, form a large portion of the entire expenditure.

"The hundred rate is, as its name shows, limited to hundreds, and it is now only leviable for the purpose of making good damage to property in cases of riot.

"The borough rates are levied in municipal cities and boroughs in which the county justices have either no jurisdiction or a partial jurisdiction only; and they embrace, to a great extent, similar objects to those provided for by the county rates.

"The general district rate, which is levied by local boards under the Public Health and Local Government Acts, is applied in defraying the expenses of making and maintaining sewers and drains, public streets and highways, and various works of towns improvement; and the rates levied by the Metropolitan Board of Works and the several district boards in the metropolis are for the most part applied towards similar objects.

"The sewers rate is not, as its name would seem to imply, levied for the purposes of sewerage, as that term is now understood, but for works of drainage and embankment.

"A more detailed explanation of the purposes to which the several local rates are applied, is given in the statement handed in by Mr. Fry, and already referred to. Appendix, No. 6.

"(C.) Authorities by whom the Local Rates are Levied and Expended.

"It will be convenient to divide the principal local rates into two classes, for the purpose of distinguishing those levied by one authority and expended by another from those which are levied and expended by the same authority. The former may be termed precept rates.

"1. *Precept Rates.*

"The poor rate is made and assessed by the overseers, who are annually appointed by the justices; but only a small portion of the amount is expended by them or subject to their control. Poor Rate. 43 Eliz. c. 2, s. 1.

"The sums required by the guardians for the relief of the poor are contributed upon the orders of the guardians, which orders the overseers themselves have no alternative but to obey. 2 & 3 Vict. c. 84, s. 1.

"In like manner, the sums required for the county rate are paid over to the county treasurer by the overseers, sometimes directly, but generally through the Board of Guardians, upon the precepts of the county justices. A similar course is pursued with respect to the hundred rate. County Rate. 15 & 16 Vict. c. 81, s. 26. Hundred Rate.

"The borough rate also, whether paid out of the poor rate or levied as a separate rate, is paid over by the overseers upon the precept of the town council. Borough Rate. 5 & 6 Will. 4, c. 76, s. 102.

"The highway rate in highway districts is paid by the overseers out of the poor rate, except in certain exceptional cases, when the rate is levied by the waywarden, and paid over by him on the precept of the highway board. Highway Rate in highway districts. 27 & 28 Vict. c. 101, ss. 33, 34.

"The burial board rate is paid by the overseers, on the certificate of the burial board, in those cases where the board is elected under the Burial Acts. In other cases it is either collected as a separate rate, or paid out of the general rate of the authority acting as the burial board. Burial Board Rate. 16 & 17 Vict. c. 134, s. 7. 20 & 21 Vict. c. 81, s. 22. 23 & 24 Vict. c. 64, ss. 1, 2.

"The lighting and watching rate is levied in parishes which have adopted the 3 & 4 Will. 4, c. 90. Lighting and Watching Rate. 3 & 4 Will. 4, c. 90.

"The expenditure under this Act is under the control of inspectors appointed by the ratepayers, subject to the restriction that a limit is annually fixed by the ratepayers, beyond which no expenditure can be incurred. The amount necessary to meet the expenditure is raised by the overseers, who, upon the order of the inspectors, levy a separate rate for the purpose.

"The library and museum rate, and the baths and washhouses rate, are sometimes paid out of the borough rate, which is itself a precept rate, and sometimes assessed separately as precept rates. In other cases they are paid out of the general rate of Improvements Commissioners, or other local boards, and in some instances they are levied by the authority directly entrusted with their expenditure. Library and Museum Rates. 18 & 19 Vict. c. 70, s. 15. 29 & 30 Vict. c. 114, s. 2. Baths and Washhouses Rate. 9 & 10 Vict. c. 94, ss. 16, 17.

"The following rates also come within the category of precept rates; viz.— Metropolitan Rates.

"(*a.*) The consolidated rate of the Metropolitan Board of Works.

"(*b.*) Rates for defraying the expenses of district boards and vestries under the Metropolis Local Management Act.

"(*c.*) The metropolitan police rate.

18 & 19 Vict. c. 120, s. 172.

"The consolidated rate of the Metropolitan Board of Works is contributed upon the precept of the board by the several district boards and vestries in the metropolis, who in their turn obtain the sums required by them both for this rate and the rates expended by themselves by precepts addressed to the overseers. In the case of the City of London, the precept for the consolidated rate of the Metropolitan Board of Works is addressed to the Chamberlain of the City of London, and special provision is made for the assessment and collection of the rate in places where no poor rate is levied.

18 & 19 Vict. c. 120, s. 158.

10 Geo. 4, c. 44. 19 & 20 Vict. c. 2, s. 1.

"The metropolitan police rate is paid by the overseers upon the warrant of the Chief Commissioner of Police.

2. *Rates other than Precept Rates.*

Highway Rate in separate parishes. 5 & 6 Will. 4, c. 50, s. 27.

"The highway rate, when levied in parishes not within a highway district, is made and assessed by the surveyor of highways, who is annually appointed by the vestry. The vestry, however, do not appear to have any direct control over the expenditure, and the only checks upon the surveyor are his annual appointment, and the power which the justices possess of disallowing improper items in his accounts.

The Church Rate.

"The church rate, which no longer exists as a compulsory rate, except where it is continued for the purposes of liquidating existing charges, is made and collected by the churchwardens upon the resolution of the vestry.

Sewers Rate. 23 Hen. 8, c. 5. 3 & 4 Will. 4, c. 22. 4 & 5 Vict. c. 45.

"The sewers rate and the general sewers tax are levied by the Commissioners of Sewers appointed under the 23 Hen. 8, c. 5, and are collected by officers specially appointed by the Commissioners.

Drainage, Embankment, and Inclosure Rates.

"Drainage, embankment, and inclosure rates are levied and expended under various Local Acts by the local authorities constituted by those Acts.

General District Rate.

"The general district rate is levied by local boards constituted under the Public Health Act and the Local Government Act.

Towns Improvement Rates.

"The towns improvement rates, in like manner, are levied by Improvement Commissioners appointed under various Local Acts, and the Towns Improvement and Police Clauses Act (1847), where those Acts have been adopted.

"(D.) The Manner in which the Authorities expending the Local Rates are constituted.

Boards of Guardians. 4 & 5 Will. 4, c. 76, s. 38.

"The largest item of local taxation is that for purposes connected with poor relief, which amounted in 1869 to 7,700,000 *l.* The local authority entrusted with this expenditure is the board of guardians, composed partly of *ex officio* and partly of elected members. The *ex officio* guardians consist of the justices of the peace resident within the union, and acting for the county, riding, or division within which the union is situate; and the elected guardians consist of a certain number of ratepayers, elected by the owners and occupiers of rateable property within the several parishes of each union.

"The number of elected guardians for each union is regulated by the orders of the Poor Law Board; but the law requires that there should be at least one guardian for each parish, except in the case of certain small parishes, two or more of which may be united for the purposes of election.

31 & 32 Vict. c. 122, s. 6.

"The qualification of the elected guardians consists in being rated to the poor rate of some parish or parishes in the union upon a rateable value, to be determined by the Poor Law Board, who are, however, prohibited from requiring in any case a qualification exceeding the rateable value of 40 *l.* The votes are given in writing by voting papers, and the scale of voting for both owners and occupiers is as follows:

7 & 8 Vict. c. 101, s. 14.

"If the rateable value of the property is—

Less than 50 *l.*	1 vote.
50 *l.* and less than 100 *l.*	2 votes.
100 *l.* „ 150 *l.*	3 „
150 *l.* „ 200 *l.*	4 „
200 *l.* „ 250 *l.*	5 „
250 *l.* and upwards	6 „

s. 15.

"Owners may vote by proxy, but no owner can vote without sending in a claim previously, and, in the case of parishes having a population exceeding 2,000 persons, a register is required to be provided for owners and proxies, and the clerk to the guardians is authorised to hear and determine any objections which may be made to the names of the persons upon it.

Highway Board.

"The highway board, like a board of guardians, is composed of *ex officio* and elected members.

25 & 26 Vict. s. 61.

"The *ex officio* members consist of the justices of the peace acting for the county and residing within the highway district, or in an adjoining district under a local board; but no

no justice of the peace can be a member of more than one highway board in the same county.

"The elected members consist of waywardens chosen annually for the several parishes within the district. The number of waywardens, when more than one, for each parish is determined by order of the justices. The qualification of a waywarden, which is similar to that which would have been required for the surveyor of highways for the parish, if the Highway Act of 1862 had not been passed, consists in his having an estate in lands within the parish, of the yearly value of 10 *l.*, or possessing personal estate of the value of 100 *l.*, or being an occupier of premises of the yearly value of 20 *l.* or upwards. 5 & 6 Will 4, c. 50.

"The waywardens are elected by the vestry. The persons who have a right to vote in vestry are the ratepayers, and every ratepayer assessed upon an annual rent, or value of 50 *l.* and upwards, is entitled to one vote for every 25 *l.* of annual rent or value upon which he is assessed; but no person is entitled to more than six votes. 58 Geo. 3, c. 69, s. 3

"It will be seen that this scale of voting is quite different from that in the election of boards of guardians.

"Owners, as such, have no right to vote in vestry.

"Burial boards, when elected under the Burial Acts, consist exclusively of members appointed by the ratepayers in vestry. Burial Boards.

"The qualification for a member of the board consists in being a ratepayer of the parish, with the single exception that the incumbent of the parish is eligible, although he may not be a ratepayer. 17 & 18 Vict. c. 87.

"Ratepayers voting in the election of the members of a burial board are entitled to a plurality of votes, as in the election of waywardens under the Highway Acts; but owners of property have no voice in the election of the board.

"The number of inspectors under the Lighting and Watching Act must not be more than 12, nor less than three. Inspectors under the Lighting and Watching Act.

"In order to qualify persons for the office, it is necessary that they should be resident in the parish, and be rated upon an annual value of 15 *l.* or upwards. 3 & 4 Will. 4, c. 90.

"They are elected by the ratepayers; but there is no plurality of voting at their election, and owners of property, as such, have no right to vote; one-third of the inspectors so elected go out of office every year.

"When local boards are constituted under the Public Health Act or the Local Government Act, the members are elected by the ratepayers and owners of property within the district. Plurality of voting is allowed upon the following scale: Local Boards. 11 & 12 Vict. c. 63. 21 & 22 Vict. c. 98.

"If the property in respect of which the voter is qualified is rated at less than 50 *l.* he has	-	-	-	1 vote.
"If rated at 50 *l.* and less than		100 *l.*	-	2 votes.
„ 100 *l.*	„	150 *l.*	-	3 „
„ 150 *l.*	„	200 *l.*	-	4 „
„ 200 *l.*	„	250 *l.*	-	5 „
„ 250 *l.* and upwards		-	-	6 „

"The votes are given in writing and collected by voting papers.

"The qualification required for members of a local board under the Public Health Act, is that they should possess real or personal estate of a value to be fixed by Order in Council or provisional order, or to be rated upon an annual value to be fixed in like manner; but in the case of the qualification by estate, the value required must not exceed 1,000 *l.*, and the rating qualification must not exceed 30 *l.*

"The Local Government Act fixes the qualification of members of the local board. In districts with less than 200,000 inhabitants, they must possess real or personal estate to the value of 500 *l.*, or be rated on an annual value of 15 *l.*; and in districts containing 2,000 inhabitants and upwards, the property qualification is 1,000 *l.*, and the rating qualification 30 *l.*

"The constitution of the various boards acting as towns improvement commissioners is regulated by the Local Acts under which they derive their authority, and both the qualification of the members and the mode of their election vary in different localities. Towns Improvement Commissioners.

"The authorities who control the expenditure of the rates levied for sanitary purposes and works of towns improvement in the metropolis are the Metropolitan Board of Works and the several district boards and vestries, elected under the provisions of the Metropolis Local Management Act. Metropolitan Boards and Vestries.

The vestrymen are elected by the ratepayers, and the members of the district board are elected by the vestries of the parishes comprised within the district. The members of the Metropolitan Board of Works are elected by the district boards, in those cases where parishes are united into districts, and where they are not so united, by the vestries. 18 & 19 Vict. c. 120.

"The qualification of vestrymen consists in being rated to, and occupying, premises within the parish of the annual value of 40 *l.*, except in parishes where the assessments, to the amount of 40 *l.*, do not constitute one-sixth of the whole number, and in that case the rating qualification is reduced to 25 *l.*

"The mode of election is by ballot; and the Act expressly provides that 'each ratepayer shall have one vote and no more.' Owners are not entitled to vote as such in the election of the vestries.

Commissioners of Sewers.

23 Hen. 8, c. 5.

"Commissioners of Sewers are appointed under the 23 Hen. 8, c. 5, which enacts that Commissions of Sewers shall be directed, in all parts within this realm from time to time, where and when need shall require, 'to such substantial and indifferent persons as shall be named by the Lord Chancellor and Lord Treasurer of England, and the two Chief Justices for the time being, or by three of them, whereof the Lord Chancellor to be one.'

3 & 4 Will. 4, c. 22.

"The qualification of Commissioner consists in his being the owner of land of a certain specified value in the county for which he acts, or in an adjoining county. In certain cases also the heir apparent of a landowner, or the agent of a corporation, or of a Commissioner, who may be absent, may be appointed to act. The person contributing to the rates which the Commissioners levy have no control whatever over the expenditure.

Drainage, Embankment, and Inclosure Commissioners.

"The various local authorities known as Drainage, Embankment, or Inclosure Commissioners are constituted under numerous Local Acts; and, as in the case of Improvement Commissioners, the mode of their appointment varies in different localities.

Courts of General or Quarter Sessions in counties.

"The Justices of the Peace for the county, assembled in general or quarter sessions, are the authority for assessing the county rate, and the control of its expenditure is vested absolutely in them.

"The ratepayers, who consist exclusively of occupiers, have no voice in their appointment.

Town Councils.

"The borough rate is imposed by the town council.

5 & 6 Will. 4, c. 76, s. 28.

"The qualification for a town councillor is that he should be seised or possessed of real and personal estate, or both, to the following amount: In boroughs divided into four or more wards, to the amount of 1,000 *l.*, or be rated upon an annual value of not less than 30 *l.*, and in boroughs divided into less than four wards, or not divided into wards, to the amount of 500 *l.*, to be rated upon an annual value of not less than 15 *l.*

32 & 33 Vict. c. 55.

"The members of the town council are elected by the rated occupiers whose names appear upon the burgess roll, and every person residing within the borough, or within seven miles of it, who has occupied for one year any house or warehouse, counting-house, shop, or other building, and paid, either through himself or his landlord, the rates upon the property for a prescribed period, is entitled to be registered as a burgess.

"Owners of property, as such, have no voice in the representation, and there is no plurality of voting.

"In those cases where the Public Health Act or the Local Government Act is in force in a borough, the municipal boundaries of which are conterminous with those of the districts formed under either of those Acts, the town council is constituted the local board also; and in those cases where the district of the local board is more extensive than the municipal borough, the outlying places elect representatives under the provisions of the Public Health Act or the Local Government Act, as the case may be, who are added to a certain number of persons selected by the town council from their own body.

"It will be seen from the foregoing short description of the principal rating authorities, that in almost every case they differ from each other in one or more of the following respects, viz., the qualification required for their members, their election or mode of appointment, the composition of the constituent body, the number of votes which they may give, and the mode in which their votes are to be taken.

"For guardians of the poor and for inspectors under the Lighting and Watching Act, a rating qualification is required, but of a different amount; whilst it is sufficient for the members of a burial board if they are rated at any amount however small.

"For members of highway boards, local boards under the Public Health Act or Local Government Act, and for town councils, the qualification may either be in respect of ownership or of rating; the amount varying in each case.

"The element of rating does not enter into the qualification for Commissioners of Sewers, who must be owners of land, or the heirs apparent, or agents of owners of land of a stated value.

"In the case of the county rate assessed by the county justices, and the sewers rate levied by the Commissioners of Sewers, the ratepayers have no voice in the appointment of the authority levying the rate, or in the control of its expenditure.

"In

"In some instances, as in the case of boards of guardians and highway boards, a part only of the local authority assessing and expending the rates is elected by the ratepayers, whilst in other instances all the members of the board are elected by them.

"In the election of some of the rating authorities the owners as well as the occupiers participate in the franchise, whilst in the election of the others the occupiers alone are entitled to vote.

"In some cases there is plurality of voting, and in others no such privilege exists.

"Where a municipal corporation is the local board under the Public Health or Local Governments Acts, the rating authority is elected by the occupiers, who are entitled to a single vote only; but when the local board is elected under either of the same Acts, the owners vote as well as the occupiers, and both classes enjoy a plurality of votes. Where the local board consists partly of the town council and partly of members representing outlying districts, one section of the board is elected by the town council from amongst themselves, and the other by both owners and occupiers in the manner lastly described. 11 & 12 Vict. c. 63. s. 12.

"In some cases the election is by voting papers, and in others *vivâ voce*; whilst in the instance of the metropolitan vestries the votes are taken by ballot.

"(E.) The Persons by whom the several Rates are paid.

"The poor rate is paid direct by the occupier, except in those cases where, under the Assessed Rates Act of 1869, the owner is rated by resolution of vestry, or agrees to pay the rates instead of the occupier; but under the provisions of the same Act, occupiers for a term not exceeding three months, are authorised to deduct the poor rates paid by them from the rent payable by them to the owner.

"The same system, of course, governs all those precept rates which are contributed out of the poor rate.

"The highway rate, when collected separately, is paid by the occupier, except where the owner is rated, or compounds under the Small Tenements Rating Act, which is still in force with respect to the highway rate. 13 & 14 Vict. c. 99.

"In the case of the animal contagious diseases rate, the occupier may, as regards compensation for slaughtered animals and the repayment of loans and interest, deduct one-half of the amount from his rent. 32 & 33 Vict. c. 70.

"The sewers rate, levied by Commissioners of Sewers, is assessable upon the owner and occupier, according to their respective interests; but it would appear that the tenant has no right to deduct from the owner any portion of the rate assessed upon the occupier in respect of his own interest.

"The general sewers tax is paid exclusively by the occupier.

"The lighting and watching rate is paid in like manner.

"The general district rate also is paid by the occupier, except in the case of small tenements, where the owner may be rated instead of the occupier; and with respect to private improvement rates under the Public Health Act and the Local Government Act, the occupier is entitled to deduct three-fourths of the rate from the owner, and the whole rate is chargeable upon the owner whilst the premises continue unoccupied.

"Somewhat similar provisions are contained in the Towns Improvement Clauses Act.

"With the exceptions before specified, all rates imposed by general Acts are paid by the occupier.

"(F.) The Different Scales of Contribution.

"As a general rule, all rates are levied upon the full rateable value of the property; but there are some exceptions to this rule, which may be here noticed.

"In the lighting and watching rate, the assessment upon houses, buildings, and property other than land, is 'three times greater' than that upon land.

"In the general district rate, land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and land covered with water, or used only as a canal, or towing path, or as a railway, and also tithes, are assessed at one-fourth part only of their rateable value.

"In like manner, in the public library and museum rate, lands used as arable, meadow, or pasture ground only, or as woodlands, or market gardens, or nursery grounds, are assessed at one-fourth only of the assessment on other property.

"The sewers rate, raised under the Metropolis Local Management Act, is, as regards land, assessed and levied in the proportion of one-fourth part only of the net annual value.

"Where the owners of small tenements are rated to the highway rates, under the Small Tenements Rating Act, the assessment is made upon three-fourths of the rateable value; and if they agree to compound for the rates, the assessment may be reduced to one-half. 13 & 14 Vict. c. 99.

"If the owners of small tenements agree, in conformity with the provisions of the Assessed Rates Act, to pay the poor rates, the overseers may allow to them a commission not exceeding 25 per cent. on the amount. If the owners are rated under the same Act, 32 & 33 Vict. c. 41.

they are entitled to a deduction of 15 per cent. from the amount of the rate; and if they agree to compound for the rates, they are entitled to a further reduction of 15 per cent.

"Under the Public Health Act and Local Government Acts, local boards may compound with the owners of small tenements for the payment of the general district rates upon a reduced estimate, not being less than two-thirds or more than four-fifths of the net annual value at which the premises are assessed.

"Not only is the scale of allowance different under each of the three Acts lastly referred to, but the limit of value at which the owner may be rated or may compound for the rates varies in each case. In the Small Tenements Act the limit is 6 *l.*; in the Assessed Rates Act it is 8 *l.*, except in the case of the Metropolis and two or three other large towns, where it is higher; and in the Public Health Act the limit is 10 *l.*

"It will be observed from the foregoing enumeration of the various local rates and the authorities by whom they are levied, that all local rates, with very rare exceptions, are charged upon the occupier, and not upon the owner; and that owners, as a class, have scarcely any direct representation on the various boards administering local affairs.

"Three questions naturally suggested themselves to your Committee, on a review of this state of things, in connection with the subjects referred to your Committee:—

"1. How far are owners exempt from local burdens?

"2. If, in fact, they are not exempt, and do indirectly pay a portion or all of the rates, how far is it just to them that they have no representation in the administration of the funds to which they contribute?

"3. Apart from the question as to the interests and claims of the owners, how far is the severance of owners, as a class, from the administration of local affairs injurious to the public interest?

"(G.) The Incidence of the Local Rates.

"The question as to the incidence of rates, as between owners and occupiers, has engaged the careful attention of your Committee. Irrespective of the third question suggested above, as to the public policy involved in the non-representation of owners in local bodies, it is clear that the expediency of a division of rates between owners and occupiers can be approached from two different points of view.

"There can be no doubt whatever that a portion of the rates does ultimately fall upon the owner; what is in dispute is, the amount which falls upon the occupier. It is held by some that all rates ultimately fall upon the owner; by others, that a large portion is borne, in fact as well as in form, by the occupier.

"On the first of these suppositions, that all rates ultimately fall upon the owner, it might be held that a re-adjustment of the system of local rating, by which a portion of the rates would be directly charged upon the owner, would from the pecuniary point of view make no difference to the occupier, as in any case the owner ultimately pays all. But on this supposition the division of rates may clearly be advocated, if not in the interest of the occupier, yet in the interest of the owner, in order to give him a "*locus standi*" in the administration of the rates, which at present, as not being a direct ratepayer, he does not possess.

"On the second supposition, that a portion of the rates remains as a burden on the occupier, it might be held that the present practice of charging them by law in the first instance upon the occupier, causes that portion to be larger than is just or expedient, and puts him to a disadvantage by forcing the initiative upon him of asking for a reduction of rent to compensate for increased rates. A division of the rates might accordingly be advocated in order to re-adjust the burdens between owner and occupier, with a view to relieve the latter from any disproportionate share in the risks or burdens of local taxation, to which it might be found that he is now exposed.

"In other words, the division of rates between owners and occupiers might be recommended, either on financial or on administrative grounds, or on both.

"As regards the proportion in which the burden of rates falls respectively on owners and occupiers, your Committee have examined many witnesses, and received at their hands many conflicting opinions. The point in dispute is the degree to which an increase of rates leads to a diminution of rent; that is to say, the degree to which occupiers are able to throw off upon the owners the increase in the local burdens to which, all rates being charged upon them, they are in the first instance exposed.

"It appears to your Committee that though the actual facts in particular cases scarcely admit of any positive proof, owing to the many counteracting influences which affect the amount of rents which occupiers would be prepared to pay, some definite principles are manifestly discernible which hold good as general laws.

"The question is too intricate to be discussed at length in this Report; but the importance of ascertaining, as far as practicable, how far it may be held that the owners of rateable properties, the occupiers of farms, and the inhabitants of houses, are respectively interested

interested in the large amount annually levied for local purposes, renders it desirable to enumerate some of the main features of the case.

"It is important, in the first instance, to make certain distinctions the neglect of which has led to much confusion.

"Distinctions should be made—

"1. As regards *the occupier*, between the occupier of a house, who occupies for the purpose of residence, and the occupier of land, who occupies for the purpose of profit; and, again, between tenants who stand simply in a mercantile relation to their owners, as, for example, builders paying, or engaging to pay, a ground rent to the owners of the land on which they build, and tenants who stand in many relations other than mercantile towards their landlords.

"2. As regards *rents*, between ground rents and building rents, and again between rack rents and the rents actually prevailing in many parts of England.

"3. As regards *tenure*, between leases and tenancies at will.

"4. As regards *rates*, between that portion of the rates which may be called an hereditary burden on land, and that portion which has grown up subsequent to the period when the bulk of existing contracts were entered into.

"5. As regards *the property rated*, between houses which are themselves a product, created by the expenditure of a large amount of capital on a very small piece of land, and land which is itself to be used for purposes of production.

"Generally, the broadest distinction should be made between house property and landed property, regard being specially had to the fact that in the case of the former, there are mostly three parties on whom the burden of the rate might fall, the owner of the land, the builder of the house, and the inhabitant of the house (usually called the occupier, but who, in reality is the consumer of the commodity produced by the builder; viz., the house), whereas, in the case of landed property there are mostly two parties only concerned, the owner of the land and the occupier of the land.

"The distinction between house property and the inhabitant of that property on the one hand, and landed property and the occupier of that property who farms it for purposes of profit on the other, points to a clear and unmistakeable difference in the incidence of rates upon the occupier of a farm, and the inhabitant of a house respectively. Their cases only run parallel when they have entered into agreements to pay all local rates for a definite period. Where such agreements have been made, it is of course indisputable that the excess of rates falls exclusively upon the occupier; and it may be convenient to remark at this point that town property being held under lease much more generally than landed property, the increased burdens which have resulted to occupiers from the bargains made by them to pay all rates have covered a much greater range in towns than in country. But except in the case of existing leases, the position of the inhabitant of a house, and that of a farmer, widely diverge.

"It will be observed that in most respects the farmer stands rather in the position of the builder than in that of the occupier of the house; the occupier of the house corresponding not to the farmer, but to the consumer of agricultural produce. The farmer and the builder alike, in making their bargains with the owner of the land which they wish to take on lease, make their calculations with a view to profit. They know more or less at what price they may, on an average, expect to sell their produce; they compare that with the cost of production and all outgoings and charges; they must have a certain profit to induce them to enter on the business at all, and they determine accordingly what rent they can afford to pay to the owner of the land. In proportion as the charges in the shape of rates or other outgoings are high, they offer to pay a lower rent to the owner. Thus, as a general rule, both in the case of land and houses, where a fresh agreement is to be made with the owner of the soil, the whole of the existing rates comes out of the pocket of the landlord in the shape of a diminished rent; neither the farmer nor the builder knowingly or willingly intends any portion to come out of his own pocket; if it does, it is because he has miscalculated the future.

"But while the positions of the farmer and the builder resemble each other in the points just enumerated, they differ in many other respects, and especially in these: that the builder has a long and definite contract with the owner; that at the close of that contract the bargain is practically not renewed, as the house itself becomes the property of the owner; and that, therefore, the readjustment of rents at the close of leases, in view of increased rates, seldom, if ever arises between the original parties to the contract. The very contrary holds good in the case of those who take land intending to cultivate it for the purposes of profit. The majority have no lease at all, and stand in relations to the landlords under which rack rents are on the whole unusual. If tenants holding at will, or on a yearly tenancy, had to pay rack rents, there can be little doubt that every increase of rates imposed upon the tenant would render it necessary for him to demand a reduction of rents; otherwise the reduction of his profit would leave him in the end no option except to throw up his farm. But, as a matter of fact, it appears that a great portion of the farms in England are not rack rented. If so, it is clear that any increase in local burdens must fall upon the margin between the actual rent and the rack rent, and so far diminish the

advantage derived by the farmer from his actual rent being below a rack rent; and till that margin were exhausted it would naturally be useless for him to apply to his landlord to readjust his rent.

"It may further be stated that even when that margin is not great, and where the occupier is paying a full rent, he would be in practice at a considerable disadvantage in applying for a reduction of rent in consequence of increasing local burdens. It would be exceedingly difficult to obtain readjustments of rents at short intervals, and it is contrary to the usual practice to make them. The manifest inconvenience and expense attending a change of farms on the part of the tenant increase this disadvantage.

"The case of the incidence of rates as regards landed property between owner and occupier, may, accordingly, be thus summed up:

"1. In the case of leases, the average burden of past rates invariably enters into account, with other outgoings, when a tenant first takes a farm, and the rent which he would be prepared to give is greater or smaller in proportion to the amount of the rates to which the land is liable. To this extent the rates distinctly fall upon the landlord. On the other hand, after the agreement has once been made, the excess in the rate beyond the amount estimated by the tenant when he took his farm falls upon him, and where, owing either to legislation or to changes brought about by local circumstances, a serious increase has taken place, the tenant upon whom the whole risk is invariably thrown by the terms of his agreement or his lease, feels that increase as a grievance.

"2. Where there are no leases, the occupier might theoretically seek a readjustment of rent with every increase of rates upon his farm; but, practically, it appears that the prevailing custom of rarely changing the amount of rent, except simultaneously with a change of tenant, added to the increasing value of land, and the greater competition for it, which has been steadily progressing in most parts of the kingdom, and, lastly, the circumstance of farmers being very generally charged with a lower rent than the rack rent, have all tended to throw by far the greater portion of the increase of the rates, where there has been an increase, upon the tenant.

"A division of rates between the owners and occupiers, coupled with an enactment similar to that which prevails in the case of the income tax, by which owners are prohibited from exempting themselves by contract from any share in local taxation, would in this respect probably afford considerable pecuniary relief to the occupier of a farm. What places him now at most disadvantage is, that he has to pay the rate in the first instance, and that it is he who must disturb the existing state of things before any part of an unforseen increase of rates can be thrown on the owner. His position would be much improved if the onus of changing the rent in consequence of changes in the rates were put upon the owner, or made equally applicable to them both.

"To return to the case of house property, it has been stated that the incidence of rates must there be considered with reference to three parties: the owner of the soil, the builder, and the occupier. On making the same distinction as in the case of land, between the moment when the first bargain is made and the subsequent period during which no re-adjustment takes place, it is clear that in the former case the owner pays the bulk, if not the whole, of the rates. The builder calculates on a certain profit, or else he would not build; he knows that tenants of a certain class can afford to give a certain rent, and no more, for a certain kind of house; and, therefore, if building is to take place at all, it is clear that the rates must fall there, where alone a margin exists to bear them; that is to say, on the price given, or ground-rent promised to the owner of the soil.

"It is conceivable, however, that the rates might be so high that the builder would not be able to offer a sufficient ground-rent to the owner of the land in order to induce him to part with it. In such a case the result of the high rates would certainly be a diminution in the supply of houses, and the rents of existing houses would proportionately rise, to the detriment to the tenants; but it will be observed that this result is only likely to ensue where ground-rents are very low and the rates very high. Where the ground-rents demanded are high, it is almost certain that the rates will affect the ground landlord alone, and in such cases it is highly improbable that the supply of houses would be lessened owing to the existence of rates. In fact, the ground-rent appears to bear the rates as long as there is any margin. In the case of agricultural land, that margin nearly always exists, and therefore the rates on such land fall ultimately on the owner. In the case of houses, on the other hand, that margin does not always exist; the rates sometimes even exceed the value of the ground-rent; they would then fall on the consumers; that is to say, on the inhabitants of the houses, by impeding the operations of the builder, and thus checking the supply.

"There remains to be considered the question of the incidence, as between the builder or owner of the house and the inhabitant of the house, of the excess of rates beyond that average amount which was taken into consideration when the house was built. The case of existing leases has already been dealt with. Where houses are occupied under leases, the excess beyond the calculated amount always falls on the occupier till the expiration of the lease. But it is important to discover what principle can be ascertained as regulating the incidence of that excess where houses are let on yearly, or other short tenancies, and generally, when the lease between the owner of a house and the occupier of a house falls in; in other words, on whom the increase of rates generally falls, when rents are re-adjusted,

adjusted, or can be readjusted. Does it fall on the receiver of the house-rent, or on the inhabitant of the house who pays the house-rent? It is clear that the two parties stand to each other in the relation of seller and consumer, and that the question as to who will bear the increased *rates* will be settled exactly on the same principle as the question of increase or decrease of *rent* at that moment. It will be determined by the state of the demand for houses, and the supply of houses. Still, there are circumstances which constitute a distinction between the case of houses and that of most other articles. Where the house to be let is in a neighbourhood which possesses any special advantages, it has a kind of monopoly value. The commodity cannot be increased, and the price which may be obtained for it is limited, not by the fear of competition, for the supply of houses on a given spot cannot be multiplied, but only by the amount which the consumer, in the last resort, can afford to pay. On the other hand, property in houses is subject to this disadvantage as compared with other property, that the owner has only one market and one use for it. If the business of letting his house becomes unprofitable, if the rents fall, and if, on any increase of rates, he is obliged to let his house at a further reduction of rent, he cannot take his capital out of the business, he must bear the burden of increased rates without escape. When capital, sunk in irremoveable property, is taxed, as is the case with house property, the owner cannot shift the burden when the demand for the use of his property falls off. So far as he possesses a piece of property available only for one purpose, and irremoveable, he is at a greater disadvantage than owners of other property at a time of falling demand; but so far as he is a monopolist, owing to the peculiar value of a given piece of ground, the owner of a house is at a greater advantage than others at a time of increasing demand.

"To sum up the case of house property generally, it appears that the owners of building land, like the owners of other land, have to submit to a reduction of rent equivalent to the average amount of rates which the builder or other lessee calculates that he would have to pay according to the average of past rates; and that, as regards any subsequent excess after the owner of the soil has made his bargain, it is borne, in the case of leases, exclusively by the occupier. When leases expire, and in the case of short tenancies, in fact wherever readjustments take place, the above excess is borne sometimes by the leaseholder, or owner of the house, sometimes by the occupier, according to the state of supply and demand.

"A distribution of rates, between owner, leaseholder, and occupier, coupled with an enactment prohibiting contracts by which either party could exempt himself by anticipation from all future local taxation, would probably be to the pecuniary advantage of the occupiers of that class of houses which are usually held under leases, and would, at all events, relieve them from what is now considered a grievance, even under their bargains to undertake all risks, *i. e.*, their liability to pay for permanent improvements, which, while made at their expense, they themselves will only enjoy for a limited time.

"As regards property held under tenures which admit of frequent readjustments of rents, it may fairly be argued that the question as to the person from whom the rate is levied, will not much affect the incidence of the rate. In short, a system of rack-rents and frequent readjustments diminishes the importance of the division of rates to either party.

"The foregoing considerations show the very material distinctions, in most respects, between the cases of rating the inhabitants of houses and rating the occupiers of farms, in relation both to the incidence of the rate, and to the arguments which might be adduced in favour of a division of the rates.

"But the division of rates between owners and occupiers must be considered not only in reference to the interests of the two parties immediately concerned.

"It is necessary to consider whether the public interest does not suffer from the present system. It appears to your Committee that the following disadvantages, amongst others, have resulted from it:—

"(1.) Two different sets of persons believe that they are paying the same rates at the same time; the occupiers, in many cases, denying that any portion of the rates is paid by the owners, and the owners contending that the burden of those rates is actually borne by them.

"(2.) Notwithstanding the contracts made by occupiers, that they will pay all local taxes, a sense of injustice has sprung up, in consequence of a portion of those local taxes being devoted to permanent improvements, by which the owner, who does not pay, gains as much as the occupier who does pay. This sense of injustice has had an injurious influence where the duty has been cast upon ratepaying occupiers, of making improvements of great importance but of a permanent nature.

"(3.) More generally, the exemption of the owners of property for long periods from the fluctuations of local expenditure is a serious public disadvantage from an administrative point of view. The exemption of owners from the direct payment of rates has made it impossible to give them a direct share in the administration of the rates, notwithstanding their indirect and ultimate interest in them. How great that indirect interest really is has been already shown; but the fact that it is indirect and free from fluctuations for a long time has deprived the owner of a '*locus standi*' on local boards.

"Your Committee feel that on administrative grounds they may strongly recommend that the indirect interest of the owners shall be converted into a direct interest, with a view of securing them that just position in the administration of local affairs side by side with the occupiers, which their great ultimate stake in local expenditure, no less than public considerations, appear to require.

"It may be contended that the owners are at present more or less represented, firstly, by ordinary votes at many local elections; secondly, and more especially, by the plurality of votes which is secured to them; thirdly, by the admission of justices of the peace as *ex officio* members of the board of guardians and highway boards.

"It has already been stated that the owners of property have a right to vote in the election of guardians and of local boards under the Public Health and Local Government Acts. The evidence, however, shows that they seldom exercise that right; and this may be attributed to various circumstances. In the first place, it must be borne in mind that the number of owners is always so much less than that of the occupiers, that they feel they can exercise little influence in the elections. In the next place, the owners cannot vote unless they have previously gone through the formality of sending in a claim in writing for that purpose. Moreover, in those cases where the property is let for a term with the usual stipulation imposing the payment of all the rates upon the occupiers, the owners are not affected, except remotely, by any increase which may take place in the local burdens. It is not surprising, therefore, that the owners should take very little interest even in those elections in which the law enables them to participate.

"The system of plurality of voting does not strengthen the position of the owner as compared with that of the occupier; it might even weaken it. The owner of 10 houses of 200 *l.* each would only have six votes, which is the maximum number allowed; but the occupier of each of these houses would each have five votes, or, in the aggregate, 50 votes against the six of their landlord. But irrespective of the fact that plurality of voting does not secure adequate representation to the owner, it appears to your Committee that it would be out of the question to attempt to extend the system to the case of elections where it does not at present prevail.

"It is commonly supposed that the property element is represented on boards of guardians and highway boards by the *ex officio* members. But having become members of these boards, not by any direct nomination or election, but by virtue of being members of another body constituted for a different purpose, they are in a somewhat anomalous position. Their elected colleagues consider themselves alone the real representatives of the contributors of the funds which are being spent; and the *ex officio* guardians themselves do not have the same sense of being bound to give a regular and continuous attention to the business, as they would feel if distinctly elected for the purpose of discharging it. Irrespective of the fact that the system under which justices of the peace act as *ex officio* members of local boards, could scarcely be extended beyond the local authorities, where it now prevails, it appears to your Committee to afford an unsatisfactory and insufficient representation of owners.

"Having in view these considerations, it appears to your Committee that the only mode of securing for the owners a fair share in the representation is to constitute them an electoral body by themselves, with the power of electing a certain number of persons to represent them on all boards administering rates to which they may be liable to contribute.

"Your Committee have alluded to the duty now imposed upon the owner of sending in a formal claim before he is entitled to vote, whether for guardians of the poor or members of a local board of health; and this is rendered necessary in consequence of the defective information afforded by the rate book (which is the register for most parochial purposes) with respect to the owners of property within the parish,

"The owners' column in the rate book contains only the name of the person in immediate receipt of the rack rent, and is usually filled up by the overseers upon the information of the occupier of the premises; but it frequently happens that several other persons are interested in the same property. In that case their names would not appear, and the occupier would probably be unable to supply them, even if required to do so.

"In order to constitute such an electoral body of owners as your Committee contemplate, it is essential that means should be provided for ascertaining and registering their names without subjecting them to the inconvenience of making a claim; and with the view of solving this difficulty, your Committee have had to consider whether there is any public record of the names of the owners of property which might be rendered available as the basis of such a register as would be required.

"The register of voters for counties contains the names of all owners of property, whether as freeholders, copyholders, leaseholders, who are entitled to the county franchise, and the qualifications are now so low that very few owners are excluded from the list.

"The register itself is so printed and arranged that the list of voters for each separate parish may be conveniently and completely cut out and detached from all the other lists in the book, so that the list for each parish may be ready for use.

"It is scarcely necessary to add that the county register is subject to an annual revision, and that owners who have once established their claim are continued upon it so long as they possess the same property.

"Under these circumstances, it appears to your Committee that, so far as regards ownership, the register for counties may, with great advantage, be adopted either as a register or a basis of a register for the proposed owners' local franchise.

"Your

"Your Committee consider that if the representation of owners were provided for, as they have suggested, it should supersede the system of justices of the peace acting as *ex officio* members of local boards; and, further, that as the claims of the owners of rateable property would have been met by direct representation, it would be unnecessary and undesirable to continue the present system of plurality of voting. The object of the Legislature in establishing that system would be accomplished in a much more simple and effectual manner by conferring upon the owners of property the direct representation proposed.

"Your Committee are of opinion that the arguments in favour of interesting both owners and occupiers in the administration of local affairs, apply with as much force to county expenditure as to any other.

"Your Committee are not insensible of the difficulties in the way of giving immediate effect to any proposal for imposing upon the owner a portion of the local burdens. The most prominent of these difficulties is the existence of a large number of leases, many of them for long terms of years, under which the owners have expressly stipulated that all local rates shall be borne by the occupiers. At the same time it is obvious that no change or improvement in the present complicated system of local taxation can be effected without interfering more or less with some existing interests, and if, on grounds of public policy, a change is required, it only remains to be considered how the equitable claims of those who may be affected by it can best be met.

"Your Committee deem it of very great importance that, for the reasons already stated, all local burdens should be equally distributed between the owners and the occupiers, and that, as a consequence, the owner should be distinctly represented on every local board. But it is obvious that if no arrangements were made with respect to existing contracts, serious difficulties and complications would arise. It would be hardly admissible to allow the owner to participate in the representation so long as he had no direct and immediate interest in the rates, and, on the other hand, it would lead to the greatest confusion if owners not paying their moiety of the rates were omitted from the register.

"It only remains, therefore, to be considered in what manner those cases are to be dealt with, in which the owners have contracted themselves out of the payment of the local rates.

"Any arrangement dealing with existing leases, so as to bring the owners and occupiers of the property held under them within the operation of the proposed plan, must necessarily bear the character of a compromise. It can scarcely be overlooked that the result of the present law has been to impose many charges upon the occupier, which neither he nor the owner foresaw when they entered into their bargain.

"Your Committee do not propose that any portion of the burthens which have accrued up to the present time shall, where there are leases, be transferred from the occupier to the owner; and they think that, as regards the present burthens, it will be desirable to follow the precedent of the Small Tenements Act, which, in an analogous case, enabled the landlord to add to his rent those rates with which he was made chargeable under the provisions of that Act notwithstanding his agreement with the occupier that such rates should be borne by the latter.

"They therefore propose that the tenants under leases should be entitled to deduct one-half of the rates from their rent, while the landlords should have the power to add to their rent one-half of the rate taken over an average number of years.

"The risk of future fluctuations would, in such a case, be shared by the owners equally with the occupiers; but it must be borne in mind that if on the one hand the owner will have to bear his share in any future increase, he will on the other have the advantage of any reduction in expenditure which improved administration may effect.

"At the same time, your Committee are aware, that there might be considerable difficulty in many instances in ascertaining the average amount of rates paid over a given number of years prior to the present time; and in order to meet this difficulty, as well as to avoid the disturbance of existing leases having but a short time to run, your Committee contemplate that in the case of leases the proposed change should not take effect for a period of three years. During that time, the rates would continue to be borne wholly by the occupier, and the average yearly amount so paid would afford a basis for calculating the amount to be added to the rent. One moiety of that amount would accordingly be added to the future rent, the owner being charged with a moiety of all subsequent rates during the remainder of the lease.

"Your Committee are aware that the proposed change will have the effect of imposing upon the owners a portion of any increase in the local expenditure which may take place, notwithstanding the obligation entered into by the occupiers to bear the whole amount themselves. In many instances, however, the Legislature had not hesitated to impose new local burdens upon the occupiers of property which could not have been contemplated by them when entering into such agreements: and this has been done without affording them any opportunity of re-adjusting the terms of their holdings.

"The conclusions at which your Committee have arrived are expressed in the following Resolutions:

"1. That the present system of local taxation, under which the exclusive charge of almost all local rates leviable upon rateable property, both for current expenditure and permanent works, is placed by law upon the occupiers of such property, is contrary to sound policy.

"2. That any system of local taxation under which legal recognition is given to the practice, on the part of owners of the property, of exempting themselves prospectively (and often for long terms of years), by stipulations in their leases or agreements, from bearing any portion of the increased burthens which the Legislature may impose upon rateable property, thus throwing the whole future risk of such burthens upon the occupier and leaseholder, must be attended with serious public disadvantages, and prove oppressive to the occupier.

"3. That in any reform in the existing system of local taxation, it is expedient to adjust local taxes in such a manner that both owners and occupiers may be brought to feel a direct interest in the increase and decrease of local expenditure, and in the administration of local affairs.

"4. That the great variety of rates levied by different authorities, even in the same area, on different assessments, with different deductions, and by different collectors, has produced great confusion and expense, and has led to many administrative difficulties; and that in any change in the law as regards local taxation, uniformity, simplicity, and economy of management ought to be secured as far as possible.

"5. That all local rates collected within the same area should be consolidated into one rate, to be collected by the same collector on a uniform assessment of property, with a uniform scale of deductions.

"6. That such consolidated rate should, in the first instance, be collected from the occupier (except in the case of small tenements, for which the landlord can now, by law, be rated), with power to the occupier to deduct one-half of such rate from his rent, provision being made to enable intermediate leaseholders to make proportionate deductions from the rents paid by them, as in the case of the income tax, with a like prohibition against agreements in contravention of the law.

"7. That while it may be admitted that the reasons for a division of the charge between owners and occupiers, apply with greater force to some rates than to others, yet the benefits to be derived from classifying the rates and varying their incidence according to the purposes for which they are levied, are not so great as to outweigh the advantages of the consolidation of all rates into one rate, to be assessed on a uniform principle with uniform incidence, and to be collected by one officer.

"8. That it is essential that the division of the rates between the owner and occupier should be followed by such alterations in the constitution of the bodies administering the rates, as would secure a representation of the owners adequate to the direct and immediate interest in local expenditure which they would thus have acquired.

"9. That inasmuch as the owners are likely to be always in so small a minority as compared with the occupiers, that such representation cannot be secured to them simply by enabling them to vote as ordinary ratepayers; and, inasmuch as, on the other hand, an extension of the system of plurality of voting is neither desirable nor practicable, it is expedient that the owners should be constituted into a separate electoral body to vote by themselves, and to elect a certain number of members to represent them on all boards administering rates to which they contribute.

"10. That the property franchise for voters in counties offers a convenient and sufficient basis for the proposed owners' local franchise; and that the electoral register for counties may be made available for the purpose of local elections so far as it shows the names of the persons in every parish entitled to vote in respect of the ownership of property.

"11. That when such direct representation of owners has been secured, the justices of the peace should no longer act *ex officio* as guardians, or members of a local board.

"12. That both owners and occupiers ought to be allowed to take part in the administration of county business, as in the administration of the business transacted by other local authorities entrusted with the expenditure of local funds.

"13. That in the event of the constitution of local bodies being changed by the introduction of the direct representation of owners, plurality of voting, either on the part of owners or occupiers, ought to be abolished.

"14. That for the purpose of electing the various local authorities, all occupiers' franchises should be assimilated as nearly as possible; one electoral machinery and one register being made available as far as practicable for all.

"15. That whilst it is necessary to make provision for limiting, as far as practicable, the disturbance of existing contracts, it would be, on many grounds, undesirable, and almost impracticable, to extend the exemption of property held under leases from the operation of the proposed changes until the expiration of such leases.

"16. That the exclusion of the owners of property held under long leases, from the right of voting for local authorities, after the proposed changes had taken effect in respect of other property, would lead to much inconvenience and confusion, while, on the other hand, it would be inadmissible to allow them to vote unless they acquired a direct interest in the rates.

"17. That

"17. That the difficulties of the case would be equitably met by exempting the owners of property held under lease, from the proposed division of rates for a period of three years, and by providing that after the expiration of that time the occupiers of such property should be entitled equally with all other occupiers to deduct one moiety of the rates from the rent, power being given to the owner at the same time to add to his rent a sum equivalent to a moiety of the average annual amount of the rates paid by the occupier during the three years above referred to."

DRAFT REPORT proposed by Mr. *Corrance*, read the first time, as follows:—

"INCIDENCE OF RATES.

"THE evidence upon this head, notably under the answers given by Danby P. Fry, 80. 89, 90, 281, 382. 293; Taylor, 462. 470; Sewell Read, 1280 to 1284; George Andrews, 2432 to 2437; Pitts Squarey, 3090 to 3092; J. Grant, 4746 to 4750, and 4868 to 4902; W. Middleton, 5557. 5564. 5571 to 5576. 5602. 5604; T. Avery, 5705. 5707. 5750; Baxter, 5791. 5795. 5800, 5801. 5815. 5831. 5863. 6000, points to the conclusion, that the incidence upon the landlord and tenant respectively is determined by the following circumstances, namely, that the rate will fall upon the landlord in cases—

"1. Where the readjustment of rent is periodical, as under leases of long or short duration.

"2. Where the competition is not excessive.

"3. Where the amount of the rate has not varied.

"4. When levied for uses not purely local.

"5. Where the value of the property is stationary and unimproving.

"That it falls upon the tenant wholly—

"1. In respect of any improvements he may make, thereby adding to the rateable value of the premises.

"2. In respect of any increase of rateable value during the term of any leasehold tenure.

"3. Upon tenants under Small Tenements Act. *Vide* Report, 1867.

"INCIDENCE UPON TENANTS PARTIALLY.

"Tenants under building leases; partially,

"1st. Under tenures practically life held, or for long terms renewable.

"2nd. Upon tenants under an enhanced assessment, in respect of profits arising out of business carried on on the premises.

"3rd. On farms and agricultural occupations let upon fixed terms, under improving leases.

"4th. Generally upon all capital expended by tenant in improvement.

"GENERAL RESULTS arising out of Facts above mentioned.

"1. In the case of houses. To tax trades of various descriptions unequally, and upon the profits.

"2. To increase the rents of small tenements by diminishing the inducement to build.

"3. To fall upon tenements of the worst description at a higher ratio *ad valorem* than upon houses of a better class.

"4. To fall upon buildings used for the purposes of manufacture at a lower rate *ad valorem* than upon dwelling-houses or shops.

"5. In the case of land and farming occupations. To tax the profits of such business to the amount of two-thirds the gross annual value arising out of stock in trade and capital.

"6. To fall upon farm buildings at an equal or proportionate rate to that on houses.

"7. To restrict the application of capital to lands or houses in consequence of a diminished profit upon outlay.

"The answers which seem to establish the above will be found under the names of Danby Fry, 234 to 250; Clare Sewell Read, 1444. 1447. 1453. 1473; 1862 to 1869.

1475. 1479; 1680. 1702; George Andrews, 2569 to 2603; Pitts Squarey, 3167 to 3169. 3175 to 3180; Sidney Waterlow, 3380 to 3383. 3390 to 3462; Grey Grey, 3564 to 3590. 3532 to 4804; J. Grant, 4810 to 4877; J. Innes, 5065 to 5070; W. Middleton, 5606, 5607; D. Baxter, 5933 to 5936; John M'Culloch, 5992.

"Classsfication.

"A large body of this evidence fully bears out the Report of the Commissioners in 1844, 'That the present assessment of rates under common heads is not based upon any intelligible or even uniform principle. That subjects, the most incongruous, are grouped together without reference to their use or purpose, or even the area of taxation of each respectively.'

"The general division of such rates is also defective.

"In the 1st division or class, namely, the poor rate, are comprised no less than 18 distinct heads, the greater part of which have little or no affinity to the poor's rate. On the Report of Mr. Danby P. Fry, this will be found fully exemplified. The rates for aggregated districts, although assessed upon a standard fixed by the justices, are levied with the poor's rate often upon a different valuation, while the rates for primary districts sometimes fall upon owners and occupiers indiscriminately, and sometimes upon the poor's rates; of this the parish improvement rate is an instance. The evidence given by Danby Fry, 80 to 90; Clare Sewell Read, 1442, 1443; Lambert, 1807; Glossop, 2255 to 2260; Grey Grey, 3613 to 3617. 3648 to 3696; J. Grant, 4800 to 4801; Innes, 4957 to 5023, will be found to establish this.

"Assessments.

"The assessment of these rates is also extremely imperfect, principally from these causes, namely—

"1. An imperfect standard of rateable value and definition.

"2. A want of uniformity between the Local Assessment Committees.

"3. The absence of conformity between the valuation for poor's rate and for aggregated districts. The principal evidence upon this point will be found under the names of Tom Taylor, 556 to 558. 664; Clare Sewell Read, 1507; 1502 to 1524. Lambert, 2339; Dashwood, 3871 to 3878; J. Grant, 4862 to 4868. 4929, 4930; James Innes, 5047 to 5055. 5115. 5154; J. May, 5359; T. Avery, 5679, 5680.

"Administration.

"The answer given to question respecting administration would seem to establish the expediency of introducing, as far as practicable, the system of mixed administrations, representing direct interests in the expenditure.

"The system of administration, *ex officio*, is one which does not work satisfactorily, and is deficient in the valuable quality of personal responsibility. On the other hand the owners of rated property are under certain disqualifications, and can exercise no adequate control in proportion to their admitted interests in the rates and ultimate responsibility. The answers to questions pertinent to this are as follows:—T. Taylor, 529. 620; Clare Sewell Read, 1327; Lambert, 1754. 1777. 1815; T. Rogers, 2731 to 2735; T. Dashwood, 3865 to 3871; Neilson Hancock, 3909. 3913; G. Grant, 4789 to 4794; J. Innes, 5070 to 5072; J. May, 5372 to 5405; Baxter, 5880, 5881. 5978, 5979. These are mostly confirmatory of the above.

"General Conclusions.

"The general conclusions to which the foregoing would give rise are—

"1st. As regards the incidence of rates, that there is no certain or absolutely satisfactory data, this being determined by a variety of purely accidental circumstances. It is, nevertheless, beyond doubt that some improvement might take place through a redistribution of local burdens.

"As a guide to this, the interests of the various classes might be most properly considered, and, as a matter of no less importance, the influence exerted and controlling power exercised over its application and expenditure. It will be found, upon this principle, that a complete subdivision of the rates would be inexpedient.

"Of this, the most striking instance is the poor rate, in which, restricted to its legitimate uses, we must recognise a character especially distinctive and peculiar. The highway rate is also exceptional.

"The former is at once an auxiliary labour rate and a provident association. The maintenance of a test would establish the former proposition.

"The

"The admission of this distinctive character formed the basis of the Poor Law of 1834, and still obtains, though under changed conditions. It also differs from other rates, its subject being one over which we are unable to obtain complete control, through administrative prudence.

"Under these circumstances it was considered by the framers of the Poor Law in 1834, that the incidence of the tax should be on the occupier, as an employer of labour, and the well known fact, that a large portion of the working classes in England are in a social condition, which places them but one remove above actual destitution (pauperism being their inevitable lot upon any large disturbance of employment), renders it necessary that the interests of employers should be both engaged and protected.

"Hence the necessity of entrusting the administration of the rate to a class, upon whom the direct burden is also properly imposed.

"The interference in the general labour market by the operation of a law so exceptional in its character, is an argument of greater stringency than any other, in determining incidence; and the effect of the relaxation which has taken place, in consequence of the extension of the area of contribution under the Union Chargeability Act, is too remarkable to be lost sight of. The fact will, under the following witnesses, be found to be sufficiently attested, namely, Grey Grey, 3564; Sewell Read, 1574 to 1576, 1862 to 1869; Charles Grey, 3719 to 3724; J. Grant, 4804 to 4806. 4810; Baxter, 6024, 6025, and others. It would seem, therefore, until extensive changes in the present law of relief shall take place, that the present incidence of this tax must remain unaltered, and that no division or subdivision of such a rate could take place without materially weakening the safeguards which now exist against careless or corrupt administration. This view it must be held that experience has sufficiently confirmed and tested.

"To other rates the objections here stated do not apply, and it is upon other grounds that any objections exist to their subdivision. Among these, the disturbance likely to accrue to existing interests ought to be considered, and fairly balanced against the countervailing advantages which much of the evidence would seem to establish, in respect of direct administrative responsibility, and the relief of the occupier from the entire load of increasing burdens. The evidence to this effect will be found the names of T. Taylor, Charles Sewell Read, Lambert, T. Rogers, C. Grey, Neilson Hancock, G. Grant, J. Innes, T. May, under numbers previously referred to.

"The re-classification of rates in respect of use or purpose as well as conterminous districts would indicate a separation, in the first instance, between the poor's rates levied upon independent districts, those levied upon independent districts, *not* upon basis of poor's rates, and rates for aggregated districts.

"The redistribution of the rates within one or other of such classes would seem greatly necessary, according to the principles already stated, although beyond this their consolidation would not present any important advantages.

"In this respect all requirements would be met by an improved system of collection, suggested by the evidence of T. Rogers, 2671 to 2786; Charles Grey, 3748; T. Dashwood, 3892 to 3898; W. Myddleton, 5508. 5529. 5543.

"The assessment of all rates within a common area should be made upon a common and, if possible, a uniform standard, while the general basis of rateable value should not be fixed by independent local bodies, or purely local administrations. The obvious inconvenience arising out of such practice is illustrated by the frequent incongruity between the assessments to county rates and poor's rates, while the evidence given by C. Grey Grey, Neilson Hancock, and J. Lambert, of the advantages derived from the Irish general system is confirmatory of that conclusion.

"A large body of the evidence tends also to establish the imperfection of existing local administrations, both as regards valuations, assessments, and control over expenditure.

"The chief evidence upon these points will be found under the names of T. Taylor, Read, Lambert, Rogers, Neilson Hancock, G. Grant, J. Innes, and John May, and has been already referred to.

"Reforms might be sought in extensive changes of both county and union administrations, upon a more general and comprehensive basis, and it is obviously desirable to remove all obstacles, (such as those existing in the general sewer rate and district rate,) to the representation of owners. The answers given by Charles Grey, 2691 to 2694, furnish the examples referred to; and at 3735 to 3737. The operation of a contrary system, by the election of owners for the management of highways in Ireland, is also worthy of attention. The evidence afforded does not permit any general conclusion with respect to an apportionment of rates between the local and imperial taxpayers; but the influence exercised by the Government over local expenditure is sufficiently demonstrated by several witnesses, and proves that this part of the subject requires especial investigation. In the expenditure under various heads, to the county rate, and the powers claimed over gaols, &c., this is especially apparent; while it is evident that the amount and application of Government grants follow no certain rule or principle.

"SCHEDULE of RATES Classified, and Consolidated, or Recommended, viz.:

"CLASS I.—THE POOR'S RATE, viz.:

Maintenance of Indigent Poor and Pauper Lunatics.
Valuation, &c.

"CLASS II.—INDEPENDENT DISTRICT, viz.:

The Sewers Rate.	Burials.
General Sewers Rate.	Baths and Washhouses.
Drainage and Enclosure Acts.	Highway Boards.
Regulated Pastures Rates.	Public Education.
Museums Rate.	Sanitary Acts and Public Health.
Lighting and Watching.	

"CLASS III.—AGGREGATED DISTRICTS:

Bridges.	Expenses of Prosecution, &c.
Roads.	Conveyance of Prisoners.
Gaols.	Reformatories.
Lock-ups.	Inquests, Coroners'.
Police.	Militia.
Lunatic Building Rate.	Salaries, &c.
Shire Halls.	Voters Lists, &c."
General Survey and Valuation.	

Motion made, and Question, "That the further proceeding with the reports be postponed, until the Committee shall have come to resolutions on the subject of the reference to them"—(Mr. *Ayrton*)—put, and *agreed to.*

Motion made, and Question, "That this Committee do now adjourn"—(Mr. *Walter*).—The Committee divided:

Ayes, 9.	Noes, 8.
Mr. Ayrton.	Mr. Birley.
Mr. Backhouse.	Mr. W. H. Smith.
Sir Hedworth Williamson.	Mr. Corrance.
Mr. Walter.	Mr. Hunt.
Mr. Acland.	Sir Massey Lopes.
Mr. Rathbone.	Mr. Pell.
Sir James Lawrence.	Colonel Brise.
Mr. Charles Seely.	Mr. George Gregory.
Mr. Wheelhouse.	

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 12th July 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. Walter.	Mr. Birley.
Mr. Acland.	Mr. Backhouse.
Mr. Pell.	Mr. Rathbone.
Mr. Corrance.	Sir James Lawrence.
Colonel Brise.	Mr. George Gregory.
Sir Hedworth Williamson.	Mr. Wheelhouse.
Sir Massey Lopes.	Mr. W. H. Smith.
Mr. Charles Seely.	Mr. Ayrton.

RESOLUTIONS to be proposed by the Chairman, read as follows:

"THAT your Committee, without pledging themselves to the view that all rates should be dealt with in the same manner, are of opinion:

"(*a*). That the existing system of local taxation, under which the exclusive charge of almost all local rates leviable upon rateable property, both for current expenditure

expenditure and permanent works, is placed by law upon the occupiers, while the owners are exempt from any direct contributions in respect of such rates, is contrary to sound policy.

"(*b*). That in any reform the existing system of local taxation, it is expedient to adjust local taxes in such a manner that both owners and occupiers may be brought to feel a direct interest in the increase and decrease of local expenditure, and in the administration of local affairs.

"(*c*). That this result will be best attained by making the owners as well as the occupiers chargeable to a certain proportion of the local rates; the rates to be collected, as at preseat, from the occupier (except in the case of small tenements, for which the landlord can now, by law, be rated), with power to the occupier to deduct from his rent the proportion of the rates to which the owner may be made liable, provision being made to enable intermediate leaseholders to make proportionate deductions from the rents paid by them, as in the case of the income tax, with a like prohibition against agreements in contravention of the law.

"2. That it is essential that the division of the rates between the owner and occupier should be followed by such alterations in the constitution of the bodies administering the rates as would secure a direct representation of the owners adequate to the immediate interest in local expenditure which they would thus have acquired.

"3. That justices of the peace should no longer act *ex officio* as members of any local board in which such direct representation of owners has been secured.

"4. That the great variety of rates levied by different authorities, even in the same area, on different assessments, with different deductions, and by different collectors, has produced great confusion and expense, and has led to many administrative difficulties.

"5. That in any change in the law as regards local taxation, uniformity, simplicity, and economy of management ought to be secured as far as possible; and that the consolidation into one rate of all local rates collected within the same area is a matter of paramount importance.

RESOLUTIONS to be proposed by Sir *Massey Lopes*, read as follows:

"1. THAT the evidence taken before your Committee shows that almost all local rates are now levied upon the occupiers of rateable property, yet that his interests are in reality chiefly affected by the fluctuations of the rate, the average rate being borne by the owner, so that in the case of any serious alterations by way of increase or diminution, the same is taken into consideration in the case of a new tenancy in re-adjustment of rent.

"2. That the exceptions to the above general rule are to be found in the densely populated districts of large cities and towns, where, under the compounding Acts, the owner has been made liable for the rate; but in such cases, owing to the great demand for house accommodation, and the fluctuating nature of the tenancies, he has generally been enabled to compensate himself for any increase of rates by an immediate addition to the occupier's rent.

"3. That the fact that the occupier is affected by the fluctuations of rate has given him the strongest interest in keeping down the expenditure, while the fact that he is generally a resident, and well acquainted with the wants of the locality, makes him in the case of most rates able to exercise discrimination, and to give that constant attention to details which is requisite for the proper control of such expenditure.

"4. That, although it might be just and politic to place a portion of the charges for some new objects upon the owner of property, yet it would not be advisable to disturb existing agreements, or interfere by general enactment with the freedom of contract.

"5. That the compulsory division of rates between owners and occupiers of real property would facilitate the continued increase of burthens on the property of both these classes, and that any division of the interest hitherto felt and expressed by the occupier in the growth of local burthens, would have a tendency to diminish legitimate resistance to any augmentation of old charges or imposition of new ones.

"6. That the great variety of rates levied by different authorities, even in the same area, on different assessments, with different deductions, and by different collectors, has produced great confusion and expense; and that, in any change of the law as regards local taxation, uniformity and simplicity of assessment and collection, as well as economy of management, ought to be secured as far as possible.

"7. That all local rates collected on the same property, within the same area, should be based on a uniform assessment of property, with a uniform scale of deductions, and shall be consolidated into the collection, such collection to be preceded by the service of a demand note, which shall particularise the different rates, objects, amounts, and poundage for which such collection is to be made.

" 8. That both owners and occupiers ought to be allowed to take part in the administration of county financial business, as in the administration of the business transacted by other local authorities entrusted with the expenditure of local funds.

" 9. That great hardship is inflicted upon ratepayers by the imposition of local taxation for national purposes; and that the powers which are given from time to time by the Legislature to departments of the Government to require outlay at their discretion at the cost of the ratepayers, without the check or control of Parliament or of any local authorities, are contrary to sound policy.

" 10. That the whole system of Local Taxation requires revision, and that it would be unadvisable to deal with it piecemeal. That no change should be made in one portion of the existing law until Parliament has dealt with the whole subject in a comprehensive manner, and has decided whether the whole burthen of Local Taxation shall be exclusively confined to the same description of property as at present.

RESOLUTIONS to be proposed by Mr. *Corrance*, read as follows:

" 1. UPON the premises heretofore laid down, and the evidence taken before your Committee, upon the present evidence of local rates, it may be held, That a *primâ facie* case for their division between owners and occupiers has been established, together with a joint administration in all such cases; for this, the reasons adduced would seem, although not conclusive in all cases, to be sufficient. To this, however, the rate levied to the relief of the poor would seem an exception (when confined to that object), involving considerations which rise above the question of simple expediency or convenience.

" 2. That the system when established would require no legislative guarantee or protection, inasmuch as under ordinary circumstances it would recommend itself both to owners and occupiers of rated property, as the best basis for free contract.

" 3. That all rates levied within any district to uses and purposes not dissimilar, should be classified and consolidated, with a further view to common collection, assessment, and administration, upon a common and uniform principle.

" 4. That the administration of any consolidated rate should be formed upon the principle of the direct representation of all who share its incidence.

" 5. That the election of such representatives to any board or council should be through the votes of one elective body, constituted through the like principles in any defined area or district; but that it is expedient that the qualification for candidates shall rest upon a separate and distinct basis, as owners, leaseholders, and occupiers.

" 6. That it seems to your Committee that the system of grants from the Imperial Exchequer, in aid of certain local rates, is capricious, and requires revision upon a sounder principle than hitherto recognised, namely, ' That the amount and apportionment of such grants ought to be determined by the national character of the objects of the impost, as well as the respective interests of the general and local taxpayer.'

" 7. That the difficulties of effecting such changes without disturbance of existing interests are not insuperable, and deserve the serious consideration of Her Majesty's Government and the Imperial Parliament of Great Britain and Ireland, both for the removal of existing grievances and tending to secure a better local administration to objects intimately concerning the well-being of the people."

Motion made, and Question proposed, " That the Resolutions to be proposed by the Chairman, be now taken into consideration."—Amendment proposed, to leave out the words " The Chairman," in order to insert the words " Sir Massey Lopes "—(Mr. *Pell*),—instead thereof.—Question put, That the words " The Chairman," stand part of the Question.—The Committee divided:

Ayes, 8.	Noes, 8.
Mr. Backhouse.	Mr. Birley.
Sir Hedworth Williamson.	Mr. W. H. Smith.
Mr. Walter.	Mr. Corrance.
Mr. Acland.	Sir Massey Lopes.
Mr. Rathbone.	Mr. Pell.
Sir James Lawrence.	Colonel Brise.
Mr. Charles Seely.	Mr. Wheelhouse.
Mr. Ayrton.	Mr. George Gregory.

Whereupon, the Chairman declared himself with the Ayes.

Motion made, and Question proposed:—

"1. That your Committee, without pledging themselves to the view that all rates should be dealt with in the same manner, are of opinion:

"(*a.*) That the existing system of local taxation, under which the exclusive charge of almost all local rates leviable upon rateable property, both for current expenditure and permanent works, is placed by law upon the occupiers, while the owners are exempt from any direct contributions in respect of such rates, is contrary to sound policy.

"(*b.*) That in any reform in the existing system of local taxation, it is expedient to adjust local taxes in such a manner that both owners and occupiers may be brought to feel a direct interest in the increase and decrease of local expenditure, and in the administration of local affairs.

"(*c.*) That this result will be best attained by making the owners as well as the occupiers chargeable to a certain proportion of the local rates; the rates to be collected, as at present, from the occupier (except in the case of small tenements, for which the landlord can now, by law, be rated), with power to the occupier to deduct from his rent the proportion of the rates to which the owner may be made liable, provision being made to enable intermediate leaseholders to make proportionate deductions from the rents paid by them, as in the case of the income tax, with a like prohibition against agreements in contravention of the law."

Amendment proposed, in line 4, to leave out the word "local"—(Mr. *Pell*).—Question, That the word "local" stand part of the Question, put, and *negatived*.

Another Amendment proposed, in line 4, after the word "for," to leave out the words "current expenditure"—(Mr. *Pell*).—Question put, That the words "current expenditure" stand part of the Question."—The Committee divided:

Ayes, 9.	Noes, 5.
Mr. Backhouse.	Mr. Corrance.
Mr. Birley.	Mr. W. H. Smith.
Sir Hedworth Williamson.	Sir Massey Lopes.
Mr. Walter.	Mr. Pell.
Mr. Acland.	Colonel Brise.
Mr. Ayrton.	
Mr. Rathbone.	
Sir James Lawrence.	
Mr. Charles Seely.	

Another Amendment proposed, in line 5, after the word "expenditure," to insert the words "as well as for new objects"—(Mr. *Pell*).—Question, That those words be there inserted, put, and *agreed to*.

Another Amendment proposed, in line 6, after the word "are," to leave out the words "exempt from," in order to insert the words "not liable to"—(Mr. *Corrance*),—instead thereof.—Question put, That the words "exempt from" stand part of the Question.—The Committee divided:

Ayes, 13.	Noes, 2.
Mr. Backhouse.	Mr. Corrance.
Mr. Birley.	Sir Massey Lopes.
Sir Hedworth Williamson.	
Mr. Walter.	
Mr. Acland.	
Mr. Ayrton	
Mr. Rathbone.	
Mr. W. H. Smith.	
Mr. Pell.	
Colonel Brise.	
Sir James Lawrence.	
Mr. Charles Seely.	
Mr. Gregory.	

Another Amendment proposed, in line 6, after the word "direct," to insert the words "or immediate"—(Mr. *Acland*).—Question, That those words be there inserted, put, and *agreed to*.

Another Amendment proposed, in line 7, after the word "rates," to leave out "is contrary to sound policy," in order to insert the words "is inexpedient"—(Mr. *Pell*),—instead thereof.

—Question put, That the words proposed to be left out stand part of the Question.—The Committee divided:

Ayes, 10.	Noes, 5.
Mr. Backhouse.	Mr. Corrance.
Mr. Birley.	Sir Massey Lopes.
Sir Hedworth Williamson.	Mr. Pell.
Mr. Walter.	Colonel Brise.
Mr. Acland.	Mr. George Gregory.
Mr. Ayrton.	
Mr. Rathbone.	
Mr. W. H. Smith.	
Sir James Lawrence.	
Mr. Charles Seely.	

Another Amendment proposed, after the word "policy," to insert the words, "That the Evidence taken before your Committee shows that in many cases the burden of the rates which are directly paid by the occupier falls ultimately, either part or wholly, upon the owner, who nevertheless has no share in the administration"—(Mr. *Walter*).—Question, That those words be there inserted, put, and *agreed to.*

Another Amendment proposed, in line 17, to leave out the words "enable intermediate leaseholders to take proportionate deductions from the rents paid by," in order to insert the words "render persons having superior and intermediate interests liable to proportionate deductions from the rents received by them"—(Mr. *Smith*),—instead thereof.—Question, That the words proposed to be left out stand part of the Question, put, and *negatived.*—Question, That those words be there inserted, put, and *agreed to.*

Another Amendment proposed, in line 19, to leave out from the words "Income Tax" to the end of the Question, in order to add the words, "the system when established, would require no legislative guarantee or protection, inasmuch as under ordinary circumstances it would recommend itself both to owners and occupiers of rated property, as the best basis for free contract"—(Mr. *Corrance*),—instead thereof.—Question put, That the words proposed to be left out stand part of the Question.—The Committee divided:

Ayes. 13.	Noes, 3.
Mr. Backhouse.	Mr. Birley.
Sir Hedworth Williamson.	Mr. Corrance.
Mr. Walter.	Colonel Brise.
Mr. Acland.	
Mr. Ayrton.	
Mr. Rathbone.	
Mr. W. H. Smith.	
Sir Massey Lopes.	
Mr. Pell.	
Sir James Lawrence.	
Mr. Charles Seely.	
Mr. George Gregory.	
Mr. Wheelhouse.	

Main Question as amended, put, and *agreed to.*—Resolved, "That your Committee, without pledging themselves to the view that all rates should be dealt with in the same manner, are of opinion:

"(*a.*) That the existing system of local taxation, under which the exclusive charge of almost all rates leviable upon rateable property, for current expenditure as well as for new objects and permanent works, is placed by law upon the occupiers while the owners are generally exempt from any direct or immediate contributions in respect of such rates, is contrary to sound policy.

"(*b.*) That the evidence taken before your Committee shows that in many cases the burden of the rates which are directly paid by the occupier falls ultimately, either in part or wholly, upon the owner, who, nevertheless, has no share in their administration.

"(*c.*) That in any reform in the existing system of local taxation, it is expedient to adjust the system of rating in such a manner that both owners and occupiers may be brought to feel an immediate interest in the increase or decrease of local expenditure, and in the administration of local affairs.

"(*d.*) That it is expedient to make owners as well as occupiers directly liable for a certain proportion of the rates.

"(*e.*) That

"(*e.*) That, subject to equitable arrangements as regards existing contracts, the rates should be collected, as at present, from the occupier (except in the case of small tenements, for which the landlord can now, by law, be rated), power being given to the occupier to deduct from his rent the proportion of the rates to which the owner may be made liable, and provision being made to render persons having superior or intermedidate interests liable to proportionate deductions from the rents received by them, as in the case of the income tax, with a like prohibition against agreements in contravention of the law."

[Adjourned till Friday next, at Twelve o'clock.

Friday, 15th July 1870.

MEMBERS PRESENT:

Mr. GOSCHEN in the Chair.

Mr. Walter.	Mr. Backhouse.
Mr. Acland.	Mr. Birley.
Mr. Smith.	Mr. Charles Seely.
Sir Massey Lopes.	Mr. George Gregory.
Mr. Pell.	Mr. Corrance.
Colonel Brise.	Mr. Fielden.
Sir James Lawrence.	Mr. Ayrton.
Mr. Wheelhouse.	

Motion made, and Question, "That your Committee have examined many witnesses, and received at their hands very conflicting opinions as regards the proportion in which the burden of rates at present falls relatively on owners and occupiers"—(Sir *M. Lopes*)—put, and *agreed to.*

Motion made, and Question, "That in the event of any division of rates between the owner and occupier, it is essential that such alterations should be made in the constitution of the bodies administering the rates as would secure a direct representation of the owners adequate to the immediate interest in local expenditure which they would thus have acquired"—(The *Chairman*)—put, and *agreed to.*

Motion made, and Question, "That justices of the peace should no longer act *ex officio* as members of any local board in which such direct representation of owners has been secured"—(The *Chairman*)—put, and *agreed to.*

Motion made, and Question proposed, "That the great variety of rates levied by different authorities, even in the same area, on different assessments, with different deductions, and by different collectors, has produced great confusion and expense, and has led to many administrative difficulties"—(The *Chairman*).—Amendment proposed, to leave out from the word "expense" to the end of the Question, in order to add the words, "and that in any change of the law as regards local taxation, uniformity and simplicity of assessment and collection, as well as economy of management, ought to be secured as far as possible"—(Sir *M. Lopes*),—instead thereof.—Question, That the words proposed to be left out stand part of the Question, put, and *negatived.*—Words added.—Main Question, as amended, put, and *agreed to.*

Motion made, and Question proposed, "That in any change in the law as regards local taxation, uniformity, simplicity, and economy of management ought to be secured as far as possible, and that the consolidation into one rate of all local rates collected within the same area is a matter of paramount importance"—(The *Chairman*).—Amendment proposed, to leave out the words, "That in any change in the law as regards local taxation, uniformity, simplicity, and economy of management ought to be secured as far as possible; and"—(The *Chairman*).—Question, That the words proposed to be left out stand part of the Question, put, and *negatived.*

Another Amendment proposed, at the end of the Question, to add the words "and that your Committee concur in the Resolution of the Select Committee on Poor Rates Assessment, 1868, which recommended one consolidated rate. That a demand note should be left with each ratepayer on the rate being made, stating the amount of the requisitions, the rate in the pound for each purpose, and the period for which the rate is made, the rateable value of the premises, the amount of the rate thereon, and of each

payment"—(The *Chairman*).—Question, That those words be there added, put, and *agreed to*.—Main Question, as amended, put, and *agreed to*.

Motion made, and Question put, "That by the terms of the reference to them, your Committee were limited to the questions of the division of the charges on rateable property between the owners and occupiers, and actual changes in the constitution of local bodies administering rates should follow such division; and they have consequently been precluded from entering upon the inquiry of the relations of local and Imperial taxation, and the nature of the property liable to the same"—(Mr. *Gregory*).—The Committee divided:

Ayes, 12.	Noes, 4.
Mr. Backhouse.	Sir Massey Lopes.
Mr. Birley.	Colonel Brise.
Mr. W. H. Smith.	Mr. Fielden.
Mr. Corrance.	Mr. Wheelhouse.
Mr. Walter.	
Mr. Acland,	
Mr. Rathbone.	
Mr. Pell.	
Sir James Lawrence.	
Mr. Charles Seely.	
Mr. Ayrton.	
Mr. George Gregory.	

Motion made, and Question, "That whilst it is necessary to make provision for limiting, as far as practicable, the disturbance of existing contracts, it would be, on many grounds, undesirable, and almost impracticable, to extend the exemption of property, held under leases from the operation of the proposed changes until the expiration of such leases—(The *Chairman*)—put, and *agreed to*.

Motion, made, and Question, "That the exclusion of the owners of property held under long leases, from the right of voting for local authorities, after the proposed changes had taken effect in respect of other property, would lead to much inconvenience and confusion, while, on the other hand, it would be inadmissible to allow them to vote unless they acquired an immediate interest in the rates"—(The *Chairman*)—put, and *agreed to*.

Motion made, and Question, "That the difficulties of the case would be equitably met by exempting the owners of property held under lease, from the proposed division of rates for a period of three years, and by providing that after the expiration of that time the occupiers of such property should be entitled equally with all other occupiers to deduct from the rent the proportionate part of the rates to which the owner may become liable, power being given to the owner at the same time to add to his rent a sum equivalent to the like proportionate part of the rates calculated on the average annual amount of the rates paid by the occupier during the three years above referred to"—(The *Chairman*),—put, and *agreed to*.

Motion made, and Question proposed, "That your Committee are of opinion that no alteration in the incidences of local taxation, involving as a natural consequence a re-adjustment of rents, will be satisfactory to the ratepayers, unless it is preceded by a further inquiry into the charges which now fall upon the ratepayer"—(Mr. *Smith*).—Amendment proposed, to leave out from the words "your Committee" to the end of the Question, in order to add the words "these Resolutions be reported to the House"—(Mr. *Ayrton*),—instead thereof.—Question put, That the words "are of opinion" stand part of the Question.—The Committee divided:

Ayes, 9.	Noes, 7.
Mr. Birley.	Mr. Backhouse.
Mr. W. H. Smith.	Mr. Walter.
Corrance.	Mr. Acland.
Sir Massey Lopes.	Mr. Rathbone.
Mr. Pell.	Sir James Lawrence.
Colonel Brise.	Mr. Charles Seely.
Mr. Fielden.	Mr. Ayrton.
Mr. Wheelhouse.	
Mr. George Gregory.	

Another amendment proposed, to leave out from the word "opinion" to the end of the Question, in order to add the words "the inquiry on which they have been engaged forms only one branch of the general question of local taxation, and that other considerations besides those which have been submitted for their investigation should be previously entertained and be taken into account in any general measure giving effect to the above recommendations"—(Colonel *Brise*),—instead thereof.—Question put, That the words proposed to be left out stand part of the Question, put, and *negatived*,—Words added.—Main Question, as amended, put, and *agreed to*.

Resolved,

Resolved, " That your Committee are of opinion that the inquiry on which they have been engaged forms only one branch of the general question of Local Taxation, and that other considerations besides those which have been submitted to their investigations should be previously taken into account in any general measure giving effect to the above recommendations."

Question, That the Resolutions agreed to by the Committee be reported to The House, put, and *agreed to*.

Ordered, To Report, together with the Minutes of Evidence and Appendix.

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MINUTES OF EVIDENCE.

Tuesday, 15th March 1870.

MEMBERS PRESENT:

Mr. Acland.	Sir James Lawrence.
Mr. Backhouse.	Sir Massey Lopes
Mr. Birley.	Mr. Pell.
Colonel Brise.	Mr. Rathbone.
Mr. Corrance.	Mr. St. Aubyn.
Mr. Fielden.	Mr. Charles Seely, jun.
Mr. Goschen.	Mr. Walter.
Mr. George Gregory.	Mr. Wheelhouse.

THE RIGHT HONOURABLE GEORGE JOACHIM GOSCHEN, IN THE CHAIR.

Mr. DANBY P. FRY, called in; and Examined.

1. *Chairman.*] YOU are a Member, are you not, of the Legal Department of the Poor Law Board?—Yes.

2. And you have devoted some attention to the question of rates?—I have had occasion to do so a great deal during the discharge of my official duties.

3. You have followed, have you not, the course of legislation upon rating for some 25 years?—Yes. Perhaps I may be allowed to say that I prepared a book upon the subject of local taxes in 1846, and since that time, of course, my official duties have called my attention to the subject very constantly.

4. When you wrote that book upon local rates it succeeded, did it not, a Report of Sir George Cornewall Lewis's upon Local Taxation?—It did so; that Report was made in 1843. In 1845 Sir George Lewis requested me to bring the state of the law down to the then present time, in continuation of the Report of 1843; and I then prepared the work on "The Local Taxes," which was published in 1846.

5. Can you state the chief rates that were levied in 1843, at the time of the last Report upon Local Taxation?—They were divided into three classes; the first class being rates of independent districts on the basis of the poor-rate, comprising the poor-rate, the workhouse building rate, the survey and valuation rate, the goal fees rate, the constable's rate, the highway rate, the lighting and watching rate, and the militia rate. The second class were the rates of independent districts which were not on the basis of the poor-rate; that is to say, not required by law to be on the basis of the poor-rate.

6. Mr. *Corrance.*] Does that refer to 1843 or to the present time?—To 1846, and it applies equally to 1843; there was no increase in the number of rates in the interval, except that there is one rate here which was not in the Report of 1843, a museum rate, for which the Act was passed afterwards.

7. *Chairman.*] When was that Act passed?—After 1843 and before 1846.

8. Mr. *Rathbone.*] Is that collected with the poor-rate?—No, that was a separate assessment.

8.* *Chairman.*] Will you state the rates comprised in the second class?—Those in the second class were not on the basis of the poor-rate, and they comprise the church rates, the sewers rates, the general sewers tax, the drainage and inclosure rates, the inclosure rate, and the regulated pasture-rate; that was a very special rate under the Inclosure Commissioners for managing common lands under certain circumstances.

9. Sir *James Lawrence.*] Why should you draw a distinction between the drainage and inclosure rate and the inclosure rate?—They are distinct rates according to the Acts; they answer similar purposes, but they are levied under different provisions.

9.* *Chairman.*] Will you proceed with your enumeration?—The third class are rates of aggregate districts. The distinction was between independent districts, such as a parish, and aggregate districts, such as a county; the county hundred, or other district containing the parishes collectively. The mode of collection is entirely different with regard to the two classes of rates, and for that reason they were distinguished in this manner.

10. You have spoken of three classes of districts?—Yes; first, independent districts, on the basis of the poor rate; secondly, independent districts,

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districts, not on the basis of the poor rate; and thirdly, aggregate districts.

11. Classes one and two are confined, are they not, to what you may call independent areas?—Yes.

12. And class three is an aggregate area?—Yes.

13. Sir *Massey Lopes.*] Would not the last be what you would call county rates?—Yes; you may call the one the poor rate series, and the other the county rate series.

14. *Chairman.*] With respect to the third class, which is the first division?—The county rate. The rates of aggregate districts may be subdivided into three classes; those which are levied in the counties, those which are levied in the hundreds, and those which are levied in the boroughs. In the counties we have the county rate, the county police rate, the shire-hall rate, the lunatic asylum rate, and the burial rate. The burial rate is a special rate for the burying of dead bodies cast on shore by the sea. The hundred rate is like the county rate, only levied in the hundreds. In case of riot and destruction of property the damage is to be made good by the hundred, and for that purpose a hundred rate is still levied. Then in boroughs, there is the borough rate, the watch rates, the goal rate, and the prisoners' rate, for the maintenance of prisoners; that is practically abolished now.

15. Mr. *Corrance.*] Did that exist in 1843?—It did.

16. *Chairman.*] What are the other rates under that head?—The lunatic asylum rate and the museum rate, and besides that there was a district prisons rate which was levied conjointly in counties and boroughs; that is to say, districts were formed of portions of the counties and boroughs, and the district prison rate is therefore a common rate. These were the whole of the rates at that time existing.

17. Sir *Massey Lopes.*] How many in number are there in each of those classes?—Some of those, I should explain, were never actually levied; they are rates by law, but not rates in fact. There were eight in the first class, six in the second class, and thirteen, including the district prisons rate, in the third class.

18. Mr. *Walter.*] Were the rates that you have mentioned all leviable in 1843?—Yes, they were, except the museum rate.

19. *Chairman.*] Will you state the rates that have been levied since?—Of the rates levied since, some are new rates, and others are modifications of the old ones. There is the special drainage rate, which is a modification of the sewers rate under the Drainage of Land Act.

20. Mr. *Corrance.*] What was the date of the imposition of that rate?—1861.

21. *Chairman.*] Will you go on with your enumeration?—There are general district rates which are leviable by local boards of health in the districts of the local boards, and there have been a great many Acts of Parliament upon that subject. I do not know that I can specify any particular date. First of all there was the new Health of Towns Act, then there was the Public Health Act, and the Local Government Act, and a great many others. The present rate is the general district rate, which is now levied by local boards.

22. Is not it the fact that the general district rates levied by local boards are practically levied under those successive Acts?—Yes, and a great many more amending Acts, but practically it is all now under the Local Government Act of 1858, which has superseded the previous Acts, but which has itself been modified by several subsequent Acts.

23. Those general district rates are levied by the local boards of health, are they not?—Yes, they are levied by the local boards of health.

24. Do you include in that the rates levied by improvement commissioners?—No, they are quite separate. The local boards do act as improvement commissioners, under certain circumstances and under certain powers, but they are not improvement commissioners. Improvement commissioners are different bodies under local Acts.

25. Mr. *Gregory.*] Are there not various local Acts in existence still, independently of the general Acts under which rates are levied?—Yes, an immense number.

26. *Chairman.*] You have stated so far two rates, the special drainage rate and the general district rate, will you proceed with the enumeration?—Besides those there are some which are not so much separate rates as payments made by the overseers, or local officers of parishes, or similar districts, out of other rates, to district boards of various kinds for various purposes. There are the highway boards, which are formed under the Highway Acts of 1862 and 1864. I should explain perhaps a little more fully that those boards are formed for districts, and they call for the moneys which they require by contributions from the different parishes in those districts. The highway boards call for their moneys from the overseers or waywardens, sometimes out of the poor-rate and sometimes not, according to circumstances, and therefore it is not a new rate. It is a new charge, and levied in a new manner, but it is not specifically a new rate, therefore I rather call it a payment under the Acts relating to the highway boards. Then there are burial boards, and baths and washhouses; and also public libraries and museums, the rate for which is a modification of the museum rate, and superseded it. Then there is the Sewer Act, under which a rate is levied, which is quite different from the old sewers rate. It is a new law, applying to cases where the vestries are the local authorities.

27. Mr. *Rathbone.*] Is that a substitute for the old law, or is it an addition?—It is an addition. Then there is the animals' contagious diseases rate: that is, the cattle plague rate; and in the metropolis there are the following rates:—first, there are the rates levied by vestries and district boards, which include three rates; that is to say, they make one call, including three sub-divisions; first, the sewers rate, secondly, the lighting rate, and thirdly, the general rate; they are required by the Act to subdivide the expenditure in that way.

28. *Chairman.*] Is that rate equivalent more or less to the general district rate levied by local boards of health?—It is very similar; it is under Sir Benjamin Hall's Act in the metropolis. Then, besides that, in the metropolis, there is now the consolidated rate, which is levied by the Metropolitan Board of Works. That consolidated rate is a substitute for several previous rates which the Metropolitan Board of Works were authorised by successive Acts of Parliament to levy, and it is required to include the same purposes with some additional ones, which are these: first, the main drainage; secondly, the fire brigade; thirdly,

thirdly, the payment of interest on the loans and repayment of the loans borrowed under former Acts; fourthly, the dividends and the redemption of the consolidated stock, which is authorised by the same Act to be constituted by the Metropolitan Board of Works; and, lastly, all the other expenses of the Board.

29. Have you now concluded the enumeration, so far as you are aware, of the rates now in existence?—Yes, so far as I am aware. I should like to put in a general saving clause that there may be others which I have not come across; the Acts of Parliament on the subject have been so numerous of late years that it is quite impossible to be certain.

30. It would appear that those last rates all belong to the third class?—They do practically.

31. Can you see any rate amongst them which is levied upon an independent area?—No, I think not, except perhaps in the case of a rate levied under the Sewer Authorities Act.

32. In the main, they belong to the class of rates which we have called the rates of aggregate districts?—Yes, quite so, and, indeed, the sewage utilisation does, but it is also levied by the vestry. The vestry of the particular parish acts as the sewer authority in that parish; they may call for money from the overseers of that parish; but, practically, it belongs to the aggregate district series.

33. Could you state the difference between independent areas and aggregate areas?—The difference is this, that the rate of an independent district is levied in the same district in which it is expended, whereas in aggregate districts it is levied in a number of separate units, but expended for the benefit of the whole district.

34. For instance, the poor rate is levied in a parish and is spent in the union?—Yes, to a certain extent; the poor rate may therefore be said now to belong to an aggregate district, but it is under peculiar circumstances, and it is really levied in the parish.

35. Mr. *Pell.*] Or, as in the case of a highway-rate, where a portion of it is appropriated to the district in which it is raised and the remainder goes to a general fund; which class do you put that in?—I put that in the districts. Originally the highway rate was a parish rate levied and expended in the parish; but the present highway rate is a district rate under the Act of 1862.

36. *Chairman.*] On what basis is the special drainage rate levied; is it levied on the basis of the poor rate or the county rate basis?—On the basis of the sewers rate; it is levied in the sewer districts or drainage districts, which are formed under that particular Act of 1861, and they are formed upon the application of the Inclosure Commissioners.

37. Mr. *Walter.*] Will you explain what you mean by its being levied on such-and-such a basis?—The basis requires a great deal of explanation. The basis of the sewers rate, according to law, is entirely different from the basis of the poor rate.

38. *Chairman.*] Will you state in what respects they differ?—The sewers rate is to be raised under the Act of Hen. 8, according to the judgment of the Commissioners of Sewers, upon the persons who have done any damage, or who have suffered any damage, and who have or hold any land in the district which is either damaged by the water or benefited by the sewer. The Commissioners are to rate all those persons according to their own judgment of the value of the benefit which those persons receive.

39. Do the Commissioners of Sewers act upon that generally?—I am not practically acquainted with what they actually do, but I believe they do not. I believe that practically the sewers rate is levied entirely contrary to law; but when I speak of the basis of the rate, of course I speak of the legal basis of the rate.

40. When you speak of the basis of the county rate and the basis of the poor rate, do you mean that the valuation is taken differently in the case of the poor rate from what it is in the county rate, and by an independent authority?—I suppose that the basis would include two separate elements: first, the kinds of property which are subject to the rate; and secondly, the mode in which that property is valued for the purposes of assessment.

41. As a matter of fact, is there not property which is not liable to poor rate, but which is liable to other rates?—To some of them; the sewers rate in particular.

42. And to the highway rate?—As to the highway rate, there are special provisions in the Highway Act of 1835 reserving the peculiar assessment of the rate in particular parishes, but only in those parishes in which a special custom existed prior to the passing of the Highway Act, and those special customs were continued by the Highway Act.

43. Without going into particulars, are the county rate and the highway rate, and the poor rate, regulated by different laws as regards their assessment?—Not the county rate, because the county rate is paid out of the poor rate primarily, or where it is not paid out of the poor rate it is levied by a special rate which is similar to the poor rate.

44. But the county rate is made on a different valuation, is it not?—Yes, on a different valuation, but it is on the same classes of property.

45. But it is on a different valuation, and therefore you speak of a different basis for county rate and poor rate?—As far as regards the valuation the basis is different, but as far as regards the property it is the same.

46. There are two elements that enter into that; there is the question, is there not, of the property assessed, and there is the authority which makes the assessment?—Yes.

47. And those two constitute differences in the basis on which the rate is imposed?—Quite so.

48. Sir *James Lawrence.*] Is not the valuation for the county rate taken from the poor rate?—Yes, the county rate is paid out of the poor rate in individual parishes.

49. *Chairman.*] Are you aware that a portion of the county rate is not levied with the poor rate, but there is a county rate which is levied independently?—A portion of it is certainly.

50. In Mr. Ward Hunt's return you find, do you not, the sum which is levied separately?—Yes; it is only levied separately from the poor rate where the parish is divided by the boundary line of the county. If a parish lies in two counties, the half of the parish which lies in the one county must have a separate rate levied to pay the county rate; or if it is divided by the boundary line of a borough, there is a special rate levied in each half of the parish; but those special

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rates are precisely analogous to the poor rate in every respect.

51. Sir *James Lawrence.*] In the return which you have been asked to make of those different rates, could you classify them according to the basis upon which they are respectively assessed?—Yes; you may find that that classification will come out very similar to this.

52. Mr. *Pell.*] Do you mean the old sewers rate in the county, or are you confining that term to the more modern acceptation of the word?—The sewers rate, as such, is a rate levied by the Commissioners of Sewers, appointed by the Lord Chancellor, under the old Act of Henry the 8th, in various parts of the country.

53. Mr. *Acland.*] Are they all levied on the same system; for instance, in Lincolnshire and Somersetshire, is the law the same?—The law is the same, but I believe the practice is very different.

54. *Chairman.*] To go through the basis upon which the new rates are levied, the second rate which you came to was the general district rate; on what basis is that levied?—The general district rates are levied by the local boards direct, and they are assessed upon the occupier in the same way as the poor rate, although just as in the poor rate the owner may be assessed instead of the occupier in certain cases.

55. The general district rate is not paid out of the poor rate?—It is not paid out of the poor rate, and it is assessed quite independently of the poor rate, but it is assessed upon the same kinds of property and the same classes of persons, but with this difference, that the contribution is different from the houses, and from tithes, arable lands, market gardens, canals, and railways. The houses pay the full amount, and the tithes, arable land, market gardens, canals, and railways pay one-fourth.

56. The next that you come to are the highway boards, burial boards, baths and washhouses; those are not separate rates, are they?—They may be under certain circumstances, but generally they are paid out of the poor rate. The highway board does not make any rates, but it calls by precept for the money that it requires from the overseers of the parishes included in the highway district; but if the whole parish is not in the district, but only a part of it, then the highway board send their precept to the waywarden and not to the overseers, and the waywarden then makes a separate rate upon that particular portion of the parish which is included in that district.

57. In fact, it is something analogous, is it not, to the county rate?—Yes, it follows the same principle.

58. Where they have got one area to deal with, it is paid out of the poor rate, is it not?—According to the terms of the Act where the poor law parish and the highway parish are identical, the payment is made out of the poor rate, but where the poor law parish and the highway parish are not co-extensive the precept is addressed to the waywarden, who makes a separate rate upon the highway parish.

59. Will you state what is the situation as regards the burial rate?—The principle there is very similar. A burial board district is formed according to the provisions of the Act, and the burial board calls for money from the overseers. If the parish is wholly within the district the overseers pay it from the poor rate; but if the parish is not wholly within the district, but a portion of it only, then it is paid out of a separate rate, but that separate rate is levied in precisely the same manner as the poor rate; and in boroughs where the town council act as the burial board, it is paid either out of the borough fund or out of the borough rate.

60. How is it as regards baths and washhouses?—That also is very similar. If it is in a borough the expense is paid out of the borough fund or the borough rate, and if it is under a local board it is paid out of the general district rate.

61. The next is the public library and museum rate; how is that rate paid?—In boroughs that is paid out of the borough fund or the borough rate; and under improvement commissioners it is paid out of the improvement rate—that I have not got in my series, because, as I explained, they are all under local Acts; but under the Public Libraries and Museums Act improvement commissioners may establish a library and pay the expense out of the improvement rate; in other cases it is paid out of a special rate. Where a public library and museum is established elsewhere than in a borough or under improvement commissioners, it is paid out of a special rate which is levied like the poor rate; but the agricultural lands and market gardens are rated at one-third only.

62. Will you now look at the next rate on your list?—That is the sewage utilization rate, levied under the Sewer Authorities Act, which I have explained, and it is very similar as regards the scale of contribution to that just described; it is a separate rate to be levied like the poor rate, but the tithes, arable lands, market gardens, and other similar property, are rated at one-fourth only.

63. Those sewer authorities must be separated, must they not, from the sewer rate and special drainage rate which you referred to previously?—They are quite distinct.

64. The sewer authorities for the sewage utilization are urban authorities generally?—No; they may be constituted in the country also, all over the kingdom. In the towns and boroughs there are Local Boards Acts; but in the parishes in the country the vestry is constituted the sewer authority by the recent Act, 30 & 31 Vict. c. 113.

65. Is it in the country that land is only valued at one-fourth for this purpose?—Everywhere it is only valued at one-fourth.

66. Sir *James Lawrence.*] Do you draw a distinction between the sewage authority and the sewers commission?—Yes, they are quite distinct. The sewer authorities are quite modern, within the last few years.

67. Mr. *Fielden.*] Do they levy a separate rate for it?—Yes; the object of making a separate rate distinct from the poor rate is to provide for the difference in the scale of contributions.

68. *Chairman.*] That circumstance of the exemption of this graded rate, as an honourable Member has called it, has affected the whole series of those rates that you have mentioned, has it not?—Exactly so; that is the reason why they have been required to be separate rates, levied separately from the poor rate; but as regards the basis, *i. e.*, the kinds of property, and the valuation, they follow the poor rate, but the scale of contribution is different.

69. What have you to say with regard to the Animals Contagious Diseases Act?—There is a distinction drawn between the compensation for slaughtered

slaughtered animals and the other expenses incurred under the Act, and it is either to be levied as a separate rate, or be paid out of the existing rates, according to the district in which they are. Either the county rate or the metropolitan consolidated rate, or the borough rate, or the police rate; but the amount is to be specified in the demand when it is collected from the individual ratepayer; for this reason, that he is authorised by the Act to deduct from his rent one-half of the rate which he pays for the slaughtered animals, but not for the general expenses.

70. That exhausts your list, does it not, with the exception of the metropolis rates?—Yes.

71. Having gone through the whole of those rates, is it the fact that there are rates levied under local Acts which you have not enumerated?—Yes.

72. Have you enumerated so far what you may call rates levied under general Acts all over the country?—Yes, under general Acts all over the country.

73. That is to say, those Acts are not necessarily in force all over the country?—No.

74. But when they are levied, they are levied under general Acts, not under local Acts?—Yes, the general Acts are applicable all over the country, but they are not in all cases applied all over the country.

75. But besides those there are local rates, are there not, levied specially in various districts under local Acts?—Yes.

76. Are you aware of there being any statement that gives a history or an analysis of those local Acts?—I never met with one, and it has never yet been done, as far as I know.

77. Therefore, the aggregate of the local taxation would not be represented by the total addition of the sum levied under the rates which you have specified?—No.

78. But the further sum it would be difficult to ascertain?—It would be very difficult to ascertain.

79. To go back to your first list of rates, would you state, as regards the poor rate, to what other purposes the poor rate is applied besides what you may call the poor relief proper?—In my work on the local taxes, in 1846, I enumerated the secondary purposes which were at that time cast upon the poor rate. I said that there were upwards of 20 distinct purposes besides the primary object, that primary object being the relief of the poor.

80. Which 20 objects have very little to do with the poor relief at all?—Yes; I will read them. They are as follows:—The cost of prosecuting persons for keeping disorderly houses; the expenses incurred by constables in doing the business of the parish; half the expenses incurred by overseers in prosecuting masters for ill-treatment of parish apprentices; the cost of prosecuting pawnbrokers in certain cases; the fine for not providing militia men; the remuneration of the examiners of measures, and the cost of procuring measures in certain cases; the salaries, allowances, and compensations payable to gaolers and others in certain cases; the costs of making out, preparing, printing, and collecting the jury lists; the costs of prosecuting for felonies and misdemeanours in places not contributing to any county rate; the compensations payable by the hundred in places not contributing to any county rate (those are, of course, special provisions, and they are only to meet particular cases); the expenses of emigration in certain cases; the cost of offices, books, and forms for the registration of births, deaths, and marriages, and the fees to the registrars; the maintenance of lunatics suspected of crime (since that time the Criminal Lunatics Act has been much extended); the expenses of public vaccination; the expenses of taking the census of the population in June 1841 (of course that occurs every 10 years); the discharge of outstanding parish debts, liabilities, and engagements (which is a special provision); the fees and allowances payable to justices' clerks and parish constables, and the salaries of parish constables under the Parish Constables Act, in substitution, in fact, of the old constables rate; the expenses incurred by the town clerks and returning officers of cities and boroughs, and by overseers of the poor in carrying into effect the Act relating to the Registration of Voters and the election of Members of Parliament; the expenses properly incurred on the triennial perambulation of parish boundaries, and in setting up and repairing the boundary stones; the expense of fencing, draining, and levelling lands allotted under the Commons Inclosure Act for the exercise and recreation of the inhabitants.

81. Mr. *Corrance.*] There is a power, is there not, for hiring separate cottages within a parish for the reception of persons afflicted with any contagious disease?—I am not quite sure whether that Act has been repealed, but it certainly has not been acted upon of late years. It was acted upon at one time; there were a great many pest-houses, but it has not been acted upon for many years. I believe that a great many of those pest-houses were provided quite illegally.

82. *Chairman.*] Will you state the heads into which the accounts relating to the poor rate are generally divided now for all those purposes?—Poor relief; the cost of legal proceedings connected with relief; constables' expenses; expenses under the Registration Act; vaccination fees; Parliamentary and municipal registration; and expenses under Parochial Assessment Acts.

83. And then there is another column, parochial expenditure for all other purposes?—Yes, that is very comprehensive.

84. Mr. *Corrance.*] Under what precepts are those severally levied; that is to say, who issues the power for them, and under what precepts?—There is a great variety; they are all paid under those special Acts of Parliament which I have specified, and which provide very various modes of doing it. For instance, in prosecuting for keeping disorderly houses, there is special provision under the Act as to the mode in which it is to be done.

85. Some of the precepts would come from the clerk of the peace, would they not?—Yes.

86. Would some be levied by the overseers themselves under parochial powers?—Some would be paid by the overseers under the provisions of particular Acts.

87. *Chairman.*] Would this be correct, that besides the poor relief there are various purposes which represent the legal business of the parish which come out of the poor rate?—Quite so; that is to say, by the parish you mean also the union.

88. Since 1846 what have been the new Acts which have been passed imposing charges upon the poor rate?—I do not think that there are any

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Acts which have imposed specifically new charges on the poor rate as such, except those which I have specified already as charging the poor rate indirectly, through the medium of those various boards. For instance, the burial board may be called a new charge upon the poor rate, and the baths and washhouses may be called a new charge upon the poor rate; but it is an indirect charge; it is a charge through the medium of the baths and washhouses authorities.

89. Is it your general impression that where there has been a new charge, which Parliament has desired to impose for local purposes, and where it has been over a limited area, the poor rate has always been taken as a convenient way of levying it?—It has been so whenever the whole parish is included within the district; but where the parish is not wholly included within the district, or where there is a different scale of contribution,—in those two cases a special rate has been required.

90. Could you state roughly what proportion of the aggregate poor rate is levied for those purposes; would it be about one-third of the aggregate poor rate levied for purposes quite unconnected with poor relief?—I should not like to answer that question off hand, because I have not examined it.

91. Mr. *Pell.*] Where the local board has jurisdiction only over a part of the parish, I presume that the whole would be levied as a separate rate, and not paid out of the poor rate?—The Act generally requires that there should be a separate rate levied in the same manner as the poor rate upon the particular portion of the parish which is to be charged, or in the case of a rate where there is a different scale of contribution over the whole parish; it is similar to the poor rate, but it is in a separate book, and collected separately.

92. *Chairman.*] Will you go through the county rate and state the purposes for which that is applied, in the same way as you have done with regard to the poor rate?—I am not prepared at the present moment to specify the new charges which have been placed upon the county rate since 1846; I should not be prepared to say off hand certainly, as I am not so familiar with the county rate as with the poor rate.

93. Your official connection with the Poor Law Board has made you more conversant with the poor rate than with the county rate?—Just so.

94. With regard to the poor rate, the poor rate is always levied upon the occupier, is it not?—Yes, except where the owner is substituted for the occupier.

95. Would you state the principle of those rates generally, as regards their imposition upon the owner and the occupier—that is, taking the whole of the series which we have been now considering?—I think that except the church rate, with regard to which the law was always very doubtful, the only rate which is required by law to be assessed directly upon the owner in respect of his ownership,—not as a substitute for the occupier, but in respect of his ownership,—is the sewer rate, and the special drainage rate, which is the modern representative of it. That is the only rate, as far as I know, in which the owner is assessed in respect of his ownership.

96. Mr. *Pell.*] Do you mean by the general Act of Parliament?—Yes.

97. *Chairman.*] You draw a distinction between the owner being rated where he is rated for the purpose of convenience instead of the tenant under the Compound Householders Act, and similar Acts, and where he is rated in his own capacity as owner?—I draw a very marked distinction between the two. If he is rated as a substitute for the occupier, the rate is in fact upon the occupation; if the owner is assessed directly, it is in respect of his ownership.

98. Mr. *Rathbone.*] Did I rightly understand you to say that sewers rate is empowered to be levied directly upon the owner?—Yes; and also the special drainage rate, which is levied on the owner in certain cases; there is a special provision about it. Under the Land Drainage Act of 1861, the rate for improvements or new works, not exceeding 1,000 *l.*, shall be deemed to be a special rate, and shall be deemed to be a tax on the owner of the property, the owner being defined to be the person entitled to the rack-rent.

99. Are you aware of the object of that limitation?—I do not know what the object was; I can only guess.

100. Are you aware whether the receiver of the rack-rent could go back upon any previous owner?—Not under the Act, certainly not.

101. Sir *James Lawrence.*] Strictly speaking, that would seem to imply that it was the leaseholder, and not the freeholder, who was charged with that tax?—He might be the long leaseholder. The word "owner" is used in so many senses in Acts of Parliament, especially in connection with this subject.

102. *Chairman.*] In this case the owner is distinctly defined to be the person entitled to the rack-rent?—Precisely.

103. And if he were the freeholder, it would be the freeholder?—He might be the freeholder, but he might be the long leaseholder.

104. Are you aware of any rate that goes back to the various owners in proportion to the poundage which is raised?—Not in proportion to the poundage; but the sewers rate itself goes back not only to the owner, but to the prospective owner, for it includes the reversioners and the remainder men.

105. Could you explain that a little more fully?—Originally the sewer rate under the Act of the 23rd Hen. 8, c. 5, is to be assessed, according to the Act, upon everyone who hath or holdeth lands within the district which may be injured or benefited; and the courts have held that that includes reversioners and remainder men after an estate for life or years, but not in expectancy; it goes beyond the assessment upon the actual owner; it includes even the prospective owner.

106. Mr. *Corrance.*] Are you aware that the Commissioners have a right to define and tax the subjects of occupation enumerated, besides those enumerated in the statute?—Yes.

107. It comprehends mines, woodlands, mountainous and high lands, and several others; also, tenants, rents, commons, and profits of fishings; also, private furnaces, ferries, and easements, and various other species of incorporeal hereditaments. Are you aware that the Commissioners have power to levy upon all those different properties?—Not upon mountainous and high lands; they are exempted, not by the Act, but by the construction of the courts.

108. *Chairman.*] As regards the general sewers tax levied under 4 & 5 Vict., that is a special tax,

tax, is it not, to be levied upon the occupier?—Yes, that is levied upon the occupier by the Act, and the reason of that is, that it is a tax for the annual contingent expenses.

109. Are the contingent expenses levied upon the occupier?—Yes.

110. But the expenses of the permanent works in theory were to be levied upon the owner?—That is the theory, but it is not the practice.

111. That has been the theory of all legislation upon sewers, has it not?—Yes.

112. Can you state whether, in practice, the rates have been levied upon the occupier, or upon the owner, notwithstanding the law?—I believe that the practice, as far as I know anything about it, is to levy from the occupier, who deducts it from the rent, so that it is ultimately levied upon the owner. I believe that that practice has arisen from the convenience of the case.

113. If there is no contract to the contrary in the lease, the occupier would deduct the sewers rate from the landlord, would he not?—I believe he would do so in practice; but I should like to say, that although it is a popular impression that it is a landlord's tax, and although it seems to have been the object of the Act of Henry the 8th that it should be a landlord's tax, a recent decision of the Queen's Bench has decided that it is a tenant's tax. In the case of the Queen and Hall Dare, which came before the Court of Queen's Bench some three or four years ago, the question was, whether the sewers rate was to be be deducted as one of the usual tenant's rates and taxes in ascertaining the rateable value under the Parochial Assessment Act, and the Court of Queen's Bench decided that it was one of the usual tenant's rates and taxes, which ought to be deducted or allowed for in computing the gross estimated rental.

114. That is the first decision, is it not, that has been given in that direction?—Yes; I have quoted the Lord Chief Justices' remarks.

115. Did the Chief Justice make use of these words, "I think we are authorised to say that these rates (namely, the sewers rate and the general sewers tax), are tenant's taxes"?—Yes.

116. Will you state the remainder of the Lord Chief Justice's decision?—It is as follows: "The old Sewers Act, the 23rd of Henry the Eighth, directs the Commissioners to inquire 'who hath or holdeth any lands or tenements' in the neighbourhood, 'and every of them, to tax, assess, and charge,' 'after the quantity of their lands, &c., after the rate of every person's portion, tenure, or profit;' and I apprehend that whenever the Commissioners find any one in possession of land they are bound to tax him. What would be the position of the imaginary tenant from year to year in occupation within this district? He is liable according to the quantity of his interest, and as this is an annual assessment, he would be liable to pay it." (That is, a tenant from year to year.) "I find nothing in the Act, either expressly declared or leading to the inference, that a tenant from year to year is not included, or that he will be reimbursed by the landlord; the inference is rather the other way, as the Commissioners must distinguish and tax according only to the quantity and tenure. If this be so, this is a tax which the tenant would be liable to be assessed for and to pay, and would therefore be properly a tenant's tax; by which I understand a tax which the tenant in occupation is not only bound primarily but ultimately to pay." That was the decision of Lord Chief Justice Cockburn.

117. That is entirely contrary, is it not, to the received views upon the subject of the sewers tax?—I think it may be reconciled in this way, that under the 23rd of Henry the Eighth the sewers rate is to be laid both upon the owner and the occupier, according to their several interests; and that each is liable to pay so much as is assessed upon him; that where the occupier pays the owner's share he can recover it by deducting it from the rent; but that he is not entitled to deduct from his rent that portion of the sewers rate, if there be any, which is assessed upon himself as occupier. It is evident from the Act of Henry the 8th that it was not confined to what we should call owners, that is, to landlords; the persons living there were liable to be charged as well as the owners, because it was the persons who did the damage who were to be assessed, or those who received damage and got the benefit, and, therefore, it included the occupiers as well as the owners. What I understand the Queen's Bench to have decided is, that where the occupier has to pay, it is a tenant's tax, and is to be deducted or allowed for accordingly.

118. The sewers tax is nearly the only tax, is it not, which has been regarded as an owner's tax?—Yes; there was another Act of Parliament passed a few years ago for the improvement of lands, in addition to the drainage of lands. The Drainage of Land Act was passed in 1861, and the Improvement of Land Act was passed in 1864, and that provides that the tenant or occupier may agree to bear a portion of the charge for improvements; but that is his own voluntary act.

119. This is not the special drainage rate?—No, it is an additional Act passed in 1864. It is, perhaps, hardly to be called a rate, but it charges the land with improvements which may be carried out under the Act, and it so far bears upon the subject that it enables the tenant to bear a portion of it if he thinks fit; if he does not he is entitled to deduct the whole amount from the rent.

120. What is the name of the charge?—The improvement of land; the other is the drainage of land.

121. What is the object of that charge?—It is for doing other works besides drainage.

122. Mr. *Gregory.*] That is in respect of money borrowed, is it not?—Yes, that is in respect of money borrowed. It is not a rate, it is a part of a series of Acts for the improvement of land. It is connected with this subject, but it is a private affair; it is not a public rate.

123. *Chairman.*] Is this what is commonly called a private improvement rate?—Yes, I think it is.

124. Will you state, as to those private improvement rates, in what proportion a man may deduct them from his rent?—In this particular case he may bear any proportion that he selects himself; it is a matter of agreement.

125. Is it left entirely to agreement?—Quite so.

126. If there is no agreement, who bears them?—He deducts the whole from the rent, and the owner bears the rate.

127. Is there not one rate where it depends upon whether the rack-rent is the full rent?—In the Drainage of Land Act the owner is described as being the person entitled to the rack-

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rack-rent. I do not think otherwise it makes any difference.

128. Is there not a clause in some Act which is something to this effect: that if the rent is the rack-rent then the tenant may deduct the rate from it; but if it is less than the rack-rent then a certain proportion is charged to the tenant?—There may be such an Act, but I do not remember it at this moment.

129. Sir *James Lawrence.*] You stated, did you not, that the person who received the rack-rent was to be regarded as the owner?—That is the definition of the Act of Parliament. The person entitled to the rack-rent is to be regarded as the owner for the purposes of that Act of 1861.

130. *Chairman.*] Are you aware whether, in the case of any of the local rates, there is a provision, as there is in the income tax, that prevents the tenant agreeing to pay the whole, because, as you are aware, in the case of the income tax, the tenant is bound to deduct it from his rent?—No; I think I may say positively that that is not the case.

131. Otherwise the landlord can compel the tenant to agree to pay even the landlord's rates?—Yes; though I think there is some provision to prevent that with respect to the cattle plague rate.

132. Can the tenant make an agreement with his landlord to pay the metropolitan sewer rates?—Yes, he can do so.

133. Therefore, the fact is this, that as regards the legislation on local rates, whether the charges are imposed upon the owners or not, the effect of the Act of Parliament can be neutralised by contracts between the owners and occupiers?—Yes; there is a special provision in the Metropolitan Act of last Session (32 & 33 Vict. c. 102) that it shall not interfere with any agreement between landlord and tenant in this respect, but that "where any portion of the consolidated rate represents any rate, which for the purposes of any contract or otherwise is deemed to be a landlord's or tenant's rate, such portion shall for those purposes be deemed to be such landlord's or tenant's rate as the case may be."

134. The Act has gone out of its way to give the owners and the occupiers the freedom of settling who is to pay the rates?—Yes, exactly.

135. As a matter of fact, the result has been that the occupiers pay the rates in almost every instance?—No doubt.

136. Are you aware whether, as a matter of practice, the sewers rates are ever paid by the owners directly in the metropolis?—I am not aware that it is so.

137. Mr. *Gregory.*] With respect to the Metropolitan Act, and with respect to rates made under that Act, does that Act throw them *primâ facie* on the occupier or on the owner?—It is on the occupier primarily, but as regards the sewers rate it is provided that the tenant may deduct it from the rent, where he would have been entitled to do so if this Act (18 & 19 Vict. c. 120) had not been passed.

138. *Chairman.*] The Metropolitan Board of Works has not imposed the new rate upon the owner?—No, it is to be upon the occupier; but it provides that where any portion of the consolidated rate represents any rate, which for the purposes of any contract or otherwise, is deemed to be a landlord's or a tenant's rate, such portion shall, for those purposes, be deemed to be either a landlord's or a tenant's rate, as the case may be; but that I understand to refer to an agreement between the landlord and the tenant.

139. Are you aware that that clause was put in partly on account of the great difficulty of defining what the landlord's rates were and what were the occupier's, and it was in order not to change the Legislation upon the subject, but to allow the old system to continue?—Quite so.

140. Mr. *Corrance.*] In the case there was such an agreement existing between the owner and the occupier; if the occupier made default in his payment, would it be legal to levy a distress upon his property for the rate?—If the occupier was assessed it would be recoverable by distress.

141. *Chairman.*] Even as regards the owner's rates, if the owner does not pay, the distress would be levied upon the occupier, would it not?—Yes; that is expressly so provided in the sewers rate.

142. Everywhere wherever the owner is rated I understand that the authorities have always kept the occupier responsible for the payment of the rate, as far as his chattels are concerned?—That would be so in the metropolis; it was not quite so under the old sewers rate; if the old sewers rate was levied according to the provisions of the Act of Henry the Eighth they might sell the land in case of non-payment.

143. Mr. *Birley.*] In a case where the rate is laid expressly upon the owner, if there be special conditions in the lease that the occupier shall pay all the landlord's rates, would in any instance the Act of Parliament override the terms of the lease?—I apprehend that the two things would be quite distinct. If there were a rate made upon the owner, which I do not believe there is in fact, but if there were it would be recovered from the owner; and if the occupier has undertaken, by a covenant in his lease, to pay it, the owner would have his remedy against the tenant, but that would not affect the officer levying the rate in the slightest degree.

144. Mr. *Rathbone.*] With reference to your last answer, are there not those two cases which were mentioned just now of the income tax and the Contagious Diseases Act, in which the law does override agreements to pay the tax?—I understand the question to refer to levying the rate, which does not appear to me to be in the slightest degree affected by the covenants of a lease; the covenants would affect the two parties to the lease, but not the officer levying the rates; but the rates are, in fact, levied upon the occupier.

145. Sir *Massey Lopes.*] All rates are primarily levied, are they not, upon the occupier?—Yes, no doubt.

146. It is quite true that the Government come down upon the occupier, and he is the responsible person, but may there not be a private arrangement, as between the landlord and tenant, that even income tax should be paid by the occupier?—Yes; there is nothing in the law to prevent it, unless there was an express provision in the Act to prevent its being done, and, in that case, the covenant or the agreement, if entered into, could not be enforced. No law could possibly prevent the tenant from carrying it out, if he chose, but it could prevent the owner from enforcing if the occupier refused to adhere to the covenant.

147. Mr. *Pell.*] Did I rightly understand you to say, with reference to the metropolitan sewers rate, that the landlord could contract himself out of the operation of the Act, that is to say, out of the payment of the one-third by an agreement with the tenant, which is the same thing in practice?

tice?—Yes; I am not aware that there is anything to prevent that, if the tenant likes to undertake to pay it.

148. Mr. *Fielden.*] Under this Act of Hen. 8, I think you say that the land was seized in distress?—Yes; the occupier was liable, no doubt, for his portion, but it was to be assessed according to the interests which each person had in it, if it was actually assessed upon the landlord, and not paid, the land might be sold; there is a special provision in the Act that the sale must be registered in the Court of Chancery, and then it is binding against all parties, even against the reversioner and the remainder man.

149. But there is nothing of that kind in modern Acts, is there?—No; that is a special provision in the Act of Hen. 8; it is very precise and very positive.

150. Mr. *Wheelhouse.*] Is not this the upshot of all this inquiry, that all rates are finally levied upon the occupier, but everything is subject to arrangement, and all that can be done is to recover from the occupier in case of legal proceedings being instituted?—Yes, subject to those exceptions which I have already named with regard to the owner's liability.

151. And even that could be made a matter of arrangement between the owner and the occupier; between the remainder man or the reversioner on the one side, and the holder or the occupier on the other?—Certainly; I am not aware of anything to prevent it.

152. Mr. *Gregory.*] With respect to this consolidated metropolitan improvement rate, does that include the sewers rate under the general Act?—An Act was passed last year, I think, under which all the rates are put up together and called the metropolitan consolidated rate.

153. And that includes the sewers rate, as I understand?—No, it does not include the sewers rate, because the sewers rate is levied by vestries and district boards, but the metropolitan consolidated rate is not.

154. The sewers rate is still in existence in addition to that, is it not, under the statute of Henry the 8th?—Not in the metropolis, under the statute of Henry the 8th; it is really under Sir Benjamin Hall's Act, it is under the special provisions of that statute.

155. Then there is this consolidated rate under the Metropolitan Board, and there is the sewers rate under the vestries?—Yes; there is a rate under the vestries and district boards, which includes the sewers rate, but which also includes other things; it includes the sewers rate, the general expenses of the vestry or the board, and the lighting rate.

156. What would paving and flagging come under?—That would come under the general improvement rate.

157. But is there not a power of throwing a portion of it upon the owner?—Yes, there is.

158. *Chairman.*] Will you state what the power is as to throwing the rate upon the owner?—I do not know that it is the paving rate; it is the cost of the paving which is laid upon the owner, which is a different thing; I should say it is not a paving rate, but the cost of the paving.

159. Mr. *Gregory.*] Is not that which is levied upon the owner carried to the credit of the rate?—Of course it would be practically so, either before or after.

160. And of course the pavement is debited to the rate?—Yes.

161. You told us, did you not, that the sewers rate under the Act of Henry the 8th, was charged upon the remainder man or the reversioner?—It might be.

162. Do I understand you aright, that it is apportioned between the tenant for life and the reversioner?—Yes, in cases where this is done it is apportioned by the Commissioners according to their view of the interests of the respective parties; it is left entirely to the Commissioners.

163. Although the remainder man, of course, is not in possession, still he may be made liable to the rates?—The remainder man after an estate for life or years, but not the remainder man in expectancy.

164. That is to say, the vested remainder may be made liable to the rate?—Yes.

165. Although the remainder man is not in possession of the property?—Quite so.

166. *Chairman.*] With regard to the case of mines, the owner is rated for the poor rates instead of the occupier in certain cases, is he not, under the general law?—He is rated for the produce of the mine when it is delivered to him in kind, but in that case he is not considered by the court to be rated for the mine, but for the land.

167. But the occupier of the mine is not rated in certain cases, where the produce of the mine is paid to the landlord in kind?—No; the occupier is not rated for any mine, except a coal mine.

168. But in those cases where the landlord is rated in respect of the produce which he receives from mines, other than coal mines, he is not rated as a landlord, but he is supposed, is he not, to be occupying the land to that extent?—Precisely so.

169. Therefore, although for all practical purposes he is the owner of the mine, and one may say that the owner is rated, yet he is rated *qua* occupier of the land?—Yes.

170. And that would not be an instance where the theory of the law is that the owner is rated?—No, it certainly would not be an instance of the theory, whatever you may consider it in fact.

171. Speaking generally, are the owners of mines, other than coal mines, rated to the poor?—The owners of mines, other than coal mines, are not rated, except when they receive the produce in kind.

172. Is the position this, that the occupiers of coal mines are rated in the ordinary way?—Yes.

173. In the case of some other mines the owners, when they are paid in the produce of the mines, are rated, but if they receive money then they are not rated?—If they receive money they are not rated, but if they receive the produce of the mine in kind they are rated as being occupiers of the land to that extent; that is with regard to underground mines, but open workings are rated to the occupier.

174. One might call it straining the law to say that the owner was the occupier of the land, but he has been treated so, has he not, by legal decisions?—Quite so; that is the result of the decisions.

175. Could you on some other day give the Committee the details, or let us have a paper stating the decisions?—I can state it at once. I should say that the dispute arose first in 1762, which was about 160 years after the passing of the Act of Elizabeth, and there was very great

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inquiry then as to whether the mines had, in fact, been rated prior to that time, and it was ascertained that they had in some cases been rated, but generally speaking they had not; and after a great deal of argument and a great deal of consideration, the court came to the conclusion that mines, other than coal mines, were intended to be exempted by the Act, on the ground that coal mines were solely mentioned; that coal mines were not to be taken for an example, but for an exception.

176. Upon the theory of *expressio unius exclusio alterius*?—Yes. The first case was the case of the Lead Company *v.* Richardson, and that was the ground upon which the original decision went, although there was a very great deal of doubt whether it was not intended that the occupier should be rated originally. That being the result that was come to in the case of the Lead Company *v.* Richardson, of course there was a great deal of dissatisfaction about it, and ultimately a case came before the courts of the owner having reserved the royalty in kind, and then by an extremely ingenious process they arrived at the conclusion that it was an occupation of the land by the owner to that extent, and that he was rateable as occupier of the land, and not as owner of the mine.

177. But where he was paid in money instead of in produce, that ingenious interpretation could no longer be applied, and he would be free, and has gone free to this day?— He could not be rated for the money, because they decided in other cases that money is not rateable as such.

178. So that the owner is rated as the occupier of the land in the case of mines other than coal mines, in respect of the produce which he receives in kind?—Yes.

179. Mr. *Gregory.*] Is it only in respect of the produce which he receives in kind that he is rated?—Only in respect of that.

180. Sir *Massey Lopes.*] Is not this the distinction, that the owner is rated upon the corpus of the property?—That is not the distinction drawn by the court.

181. Mr. *Pell.*] Do I understand you correctly that in the case where an owner took his royalty of 1-16th in kind of a mine worked from a shaft, he would be rated, but that the other 15-16ths would not be rated?—That is decidedly the present state of the law.

182. Mr. *St. Aubyn.*] In fact, he is rated upon the proportion of the produce which he receives, whatever that proportion may be, provided that proportion is paid in kind?—Yes, and the rest is not rated at all.

183. Mr. *Wheelhouse.*] In the case of stone quarrying, there are some places where stone is dug from a shaft, and in other cases, as we all know, it is quarried from the depth, as it is called; is there any distinction between the two cases with respect to the incidence of the rating?—Yes; the stone that is obtained from an open quarry is rateable, and the stone that is obtained from an underground shaft is not rateable.

184. Although it should come from the same parish?—Yes; it does not depend upon the nature of the substance, but upon the mode of working.

185. Mr. *St. Aubyn.*] Are you aware of the case of a copper mine in the Isle of Anglesea, where part of the workings were open and part of them were underground; and the part of the mine that was underground was not rated, but the open workings were, on account of their being considered a quarry?—I was not aware of it, but I have no doubt that it is so; it certainly is so in law.

186. Mr. *Walter.*] Can you state whether any rate is leviable in respect of chalk dug from a chalk pit?—Yes, certainly; any open chalk pits are certainly rateable.

187. Is the rating upon the estimated value of the chalk, or is it upon an estimate based upon the value of the soil of the surface?—It is to be upon the annual value of the corpus which is taken; that is the decision of the court in the case of brick-fields. The court decided that brick-fields were to be rated according to the annual value of the produce, even though it took away the corpus.

188. *Chairman.*] That is to say, what the brick-field would let for from year to year, with the power of working?—Yes, and taking the corpus away.

189. Mr. *St. Aubyn.*] Does the decision to which you referred, by which owners are rated in respect of the portion of the produce paid in kind, lead to the substitution of money payments for payment in kind?—No doubt it does so to a very great extent.

190. And the consequence is that with very few exceptions the owners of mines are now paid their proportion of the produce in money, and thereby escape the payment of rates altogether?—That is the result.

191. Mr. *Birley.*] Is it possible that the theory can be that the surface of the land is rated, but not the interior, and that, therefore, when you have an open quarry it would be rated as such?—No. It depends entirely upon the language of the Act of Elizabeth, which refers to coal mines, and everything which was a mine but was not a coal mine was held by the court to be exempt from rates. Therefore the question was whether the mode of working constituted it a mine or not; and the court decided that open working in a quarry did not constitute a mine, but that underground workings did constitute a mine, without reference to the nature of the substance which is obtained; therefore, whether it was stone, or whether it was lead or copper, or any other metal, it was established that the underground working constituted a mine, which was exempt from rate.

192. *Chairman.*] Could not the substance of the matter be shortly stated in this way; that it was felt that the Act of Elizabeth worked some injustice, and was rather anomalous, and the interpretation has been strained in order to carry it as far as possible?—I suppose that is the effect.

193. As regards railways the owners of railways are rated; but would you say that they are rated as owners or as occupiers?—Certainly as occupiers. They are rated as occupying the land for the purposes of the support of the railway; they do not cultivate the land; the land produces nothing under the railway at all.

194. Mr. *Walter.*] Are they rated in respect of the profits made from the length of the line that passes through a particular locality?—No; they are rated upon what is supposed to be the letting value of the lands which they occupy for the purposes of supporting the railway.

195. Sir *Massey Lopes.*] It is upon the mileage profit, is it not?—With a great number of deductions, it is upon the earnings within each parish.

196. *Chairman.*

196. *Chairman.*] It is not upon the general profits of the whole of the railway, divided at so much per mile, but each parish is taken into account, is it not, by itself?—Yes; the principle contended for in the first instance was the mileage principle.

197. Mr. *Backhouse.*] Can you tell the Committee upon what principle coal mines are rated, where the owners of the royalty bear no charge for poor rates?—I believe they are rated very differently in different places, and that it is practically very much a matter of compromise between the overseers and the owners of the mines, They value it and go into a calculation; it is very much upon the same plan as a railway; they take the produce of the mine for a year, the amount of the tonnage at the pit's mouth, and they deduct the working expenses.

198. *Chairman.*] Will you state whether it is the owner or the occupier that is rated?—The occupier.

199. Mr. *St. Aubyn.*] There is no general principle applicable to all the coal mines throughout the country, is there?—No.

200. It is the case, is it not, that even in adjoining mines they are rated differently?—Yes, I believe it is a compromise in every case; the law says nothing about it. The occupiers are rated by law unquestionably, but I believe that in every case they get at a compromise; it is so difficult and complicated that it is hardly possible to do it otherwise.

201. Mr. *Backhouse.*] Does the owner of the royalty bear any proportion of the rating?—The royalty is certainly not rated as such, and I do not think that it enters as an element into the calculation in the assessment of coal mines.

202. Mr. *St. Aubyn.*] You are, no doubt, aware of the distinction between royalty and rent, properly so called, that royalty is a portion of the produce?—Quite so; but royalty may be paid in money too.

203. And that that money represents the value of the proportion of the produce?—Yes.

204. It is not a case of fixed money rent?—Quite so.

205. *Chairman.*] Have you anything more to say to the Committee as regards cases where the owner is rated?—No; I think I have mentioned all the cases that I have come across.

206. Mr. *Gregory.*] With respect to the rating of coal mines, are you aware whether the general principle has ever been applied or attempted to be applied of rating a coal mine as a profitable occupation, as a tenant's occupation, in fact?—No, I do not know that it has. I dare say the overseers very often put the rate very high.

207. But you are not aware whether it has not been reduced to that, either judicially or in practice?—No.

208. Mr. *St. Aubyn.*] Will you state distinctly your opinion that in the case of mines the owner is not really rated as the owner, he is only rated as the occupier?—He is rated as the occupier only.

209. Therefore it cannot be said in the case of mines that the owner is rated?—No, certainly not.

210. *Chairman.*] Have you formed any opinion upon the general point, as to whether in the long run it makes any difference as to whether the rate is put upon the owner or the occupier?—I should think it would make this difference, that if the occupier undertakes to pay a certain fixed rent, and also to pay the rates, it would make all the difference to him whether the rates exceeded or fell short of the amount which he estimates that he will be called upon to pay. If a man takes a house at 50 *l.* a year, upon the understanding that the rates will be 20 *l.* a year, and if, by his skilful management as a guardian or an overseer, he can reduce them to 10 *l.* a year, he puts 10 *l.* into his pocket, and therefore it does make a difference to him whether the rate is paid through the rent or independent of the rent, and so it would be with the owner; if the whole amount were paid by the owner, it would make all the difference to him whether the rates were reduced or increased; but it is only to that extent, as it seems to me.

211. In fact the point is this, that that portion of the rates which constitute an increase or a decrease between the periods of adjustment of rents would be borne by the parties upon whom the rates are put in the first instance?—Precisely; it is in that interval, as it appears to me, that there is the result that if the occupier can diminish it he gets the benefit, and if it is increased he loses, because he never can recover that portion from the owner.

212. Would you go this much further, that when you come to the re-adjustment of the rent, if there is no disturbance of occupation, the party who is to take the first step in asking for a reduction of rent or an increase of rent, in consequence of increased or decreased rates, would have the worst of it in the bargain?—Perhaps he might; I do not know that he would.

213. Supposing there was a tenancy which had come to an end, and a negotiation ensued for its renewal, do you not think that that person would be in a favourable position who had to take the initiative in asking for a reduction or an increase of rent, in consequence of the change in the rates, rather than the person who would be content to continue on the old footing was asked for it?—It might enter as one element, but I do not think it would be a decisive element. I think the decisive element would be the actual facts of the case, and not the accident of the origination of the proposal.

214. Sir *Massey Lopes.*] Do you think that there would be any benefit to the occupier by any alteration of existing arrangements?—Perhaps it is a subject which I have not fully considered so as to be able to give an opinion upon it.

215. Do you think that it would have the effect of disturbing existing arrangements, if there was any legislation to make the owner pay any proportion of the rates?—As far as I can judge I do not see that charging a portion upon the owner will make any substantial difference in the ultimate incidence of the charge; the owner now pays it in the long run substantially, except the variations; he does not pay the variations.

216. Where a man has a lease for seven, 14, or 21 years, if there are any conditions in that lease that the occupier is to pay the outs, if any different arrangement is made, would it not disturb that arrangement?—If the Act were to override the lease, of course it would.

217. Would that not, in your opinion, lead to some alteration of the present arrangements between landlord and tenant, and lead to re-valuations and re-adjustments; must it not necessarily do so?—I should think that the landlord would raise the rent in precise proportion to the amount of rate which he is called upon to pay.

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218. Therefore you are of opinion that it would not make very much difference to the tenant?—I do not see that it would make any difference at all in the long run to either of them, because they certainly would adjust it by agreement.

219. *Chairman.*] When you say the long run, you mean that if the rates tended to increase before the re-adjustment took place, of course the occupier would have the benefit of the suggested change?—Yes, to that extent he would.

220. Supposing that new rates were imposed, would it not make all the difference whether it was upon the owner or upon the occupier in existing tenancies?—Yes; if a new rate were imposed, of course in the absence of an arrangement between them.

221. But as regards a division of the existing rates, what would be the effect of charging half upon the owner and half upon the occupier, under a lease renewed under the passing of such an Act: supposing the rates to increase, after the new lease was granted, would not the occupier be in a different position to what he would be in if he were paying the whole rate?—Yes, it would be so to the extent of the increase.

222. Is this your opinion, that if the rates were a permanent quantity then it would not matter at all upon whom they were placed?—Quite so.

223. But that if there are variations, the division between the owner and the occupier makes a very considerable difference?—In respect to all variations the excess falls at present upon the occupier, and if you were to divide the charge half-and-half, half the excess would fall upon the occupier and half would fall upon the owner.

224. Mr. *Gregory.*] As to the term owner in the case of a building lease for 99 years, for instance; you have a lessor, and you have a lessee, and a groundrent, and you have very often a sub-lessee under him at an improvable ground rent, and you have the tenant ultimately at a rack rent; which of those three would you term the owner for the purposes of rating?—For the purposes of rating it would depend entirely upon the definition which you gave in the particular Act; there is no doubt that they are all owners.

225. How would you determine the rates between them?—That does raise a very complicated question certainly.

226. Mr. *Walter.*] Have you any doubt that in making an arrangement between landlord and tenant, the amount of the rate materially affects the question of rent?—I have no doubt it does.

227. Do you think that there is any difference between landed property and other kinds of property, for instance, house property in respect to the incidence of that kind of taxation?—I do not think that there is any difference in consequence of the nature of the property, the whole difference seems to me to arise from the terms of the letting, that is to say, whether the letting is for a long period or a short period; where it is for a long period, of course the interval is longer before a readjustment can take place, whereas if the interval is short, a readjustment can take place soon, and that would apply equally to houses and to land; of course the periods of letting vary very much in different parts of the country, both for houses and for lands.

228. Mr. *Rathbone.*] You stated just now, did you not, that in all cases the landlord ultimately paid the rate, and not the occupier?—I qualified that by an explanation with regard to excess and fluctuation.

229. Beyond that do you mean to apply that statement to towns which are increasing, and in which houses have to be built; in that case, would you say that the occupier has not to pay any more rates and rent together if he has to have new houses built for him, and therefore to bring new capital into the business?—I cannot myself see that it makes any difference.

230. Do you mean that a man when he is considering whether he shall build fresh houses or not, will take only the gross and not the net rent that he is to receive into account before he builds them?—He would take the net rent into account.

231. Would the amount of rates that have to be deducted from the gross income have to be paid by the occupier, who is to pay the landlord?—I think not, for this reason: the occupier is prepared to pay, we will say, 70 *l.* a year for his rent and rates; it matters nothing to him whether he pays 50 *l.* to the landlord and 20 *l.* to the parish, or whether he pays the whole 70 *l.* to the landlord. If there were no rates at all the landlord would get 70 *l.* for his house, but as the tenant has got to pay 20 *l.* to the parish he only gets 50 *l.* for his house.

232. In this case you assume that a tenant has it all his own way; that he is to choose what he will pay for his rent; as he has to live in a certain place, and it is not certain that a man who is willing to invest money in building need build those houses in that particular place; surely is it not the builder that is free and the tenant that is fixed?—That is a matter which seems to me to depend entirely upon the competition of the supply on the one hand and the demand on the other, quite irrespective of the question of rates. The inducement which a builder has to build is the net rental which he can get; if he gets 70 *l.* and has to pay 20 *l.* himself to the parish, he gets 50 *l.*; if he gets 50 *l.* from the occupier and the occupier pays 20 *l.* a year in rates, the builder still gets 50 *l.*; he would get no more than 50 *l.* whichever way the assessment is made. The rate is a burthen upon the property; it is a deduction from the rent.

233. *Chairman.*] Do you draw no distinction between the groundrent and what may be called the building rent?—I am taking what is called the rack rent. The division of that rack rent amongst the series of owners who stand behind is another question altogether.

234. Supposing there is a piece of ground that is not covered with houses at all, and a builder is going to employ his capital in building houses upon that ground, would it not be an element in the builder's mind what rates would come upon the house which he builds?—I should think it would certainly be an element in his mind.

235. And if he found that the rates in the neighbourhood were exceedingly high, I presume that he would not build?—That would depend upon the rent which he could get for his house; because, although the rates might be very high, the convenience of the situation, or other circumstances, might be an inducement for great competition amongst the tenants of houses, and houses might let for very high rents although the rates were also high.

236. Would he calculate in this way: I can get a certain rent, and that is the highest rent that

that I shall be able to get for a house in that position?—Yes.

237. And then he would make a calculation how much it would cost him to build?—Yes.

238. And what capital he would put in?—Yes.

239. And then he would say, what rates would the tenant and the landlord, or between them, have to pay, and what would be the outgoings?—Yes.

240. And if he found that those outgoings were such that either the tenant could not pay the rent, or that he could not get sufficient profit upon his building, he would not build? – It would not be worth his while to build.

241. If he did not build, then the number of houses would be diminished?—Yes.

242. And the consequence would be that there would be no fresh supply of houses *pro tanto;* would not that be the fact?—Precisely so.

243. And there being no fresh supply of houses, that would tend to keep up the price of the houses that were existing?—Certainly, if the demand continued the same.

244. And therefore the result would be that, in the absence of a fresh supply, and the demand remaining the same, the rents would rise; they would rise, that is to say, from the absence of competing new houses which would otherwise be built?—If the rents rose that would have the effect of producing those new houses, for if they really did rise, it would be an inducement to the builder to go on; that would alter the conditions.

245. What I mean is this; do you not recognise that a charge upon the building of houses interferes to a certain extent with the building of houses?—Undoubtedly it must do so.

246. And, so far as it does so, would not the occupier have to pay the penalty of something which is an obstacle to the building of new houses?—But he would have to pay that penalty, if he paid at all, in the rent which he paid, and not in the rates.

247. The rent would be raised, because otherwise the builder, who has got to pay those rates, would not build, and they must be paid out of the rent one way or the other?—Yes; and if the rates were really so high as to prevent any new houses being built in a district, and the rents of the other houses were therefore to rise in consequence, there is no doubt that indirectly the occupier would have to pay through the medium of increased rent; but I did not understand that that was involved in the question of the distribution or division of the rates themselves between the owner and the occupier, because it seems to me that that is an effect which arises from the total amount of the rates, and not from the occupation.

248. The amount of the rates would touch the occupier, would it not?—Certainly, the total amount must.

249. Mr. *Rathbone.*] In a place where the competition was such as to necessitate the building of new houses, as is the case with most of our large towns at present, would not the amount paid by an occupier for rent and rates together be larger if the rates were higher than if they were lower?—They would be larger; and if the amount was so large as to have the effect of preventing the building of houses, of course to that extent it would so, but it is only in that extreme case that it would operate; if it did not come up to the point of preventing the building of new houses, it would not have that effect.

250. According to the law of supply and demand, would not the price of the article which had to be brought in greatly affect the number of houses built, if you had any material increase in the rate?—Not necessarily so; I think the law of supply and demand has two sides to it. The competition of the supply is just as much to be taken into account as the competition of the demand; the demand may go on increasing so much that rent will be higher from the demand, and not in consequence of the rates in any way.

251. Mr. *Birley.*] With regard to the question of the distribution of rates between landlord and tenant, the incidence of the rate, may not a distinction be drawn in those rates between those which are simply outgoings, such as the poor rate, or the vaccination rate, and rates of that kind, and those which are a positive improvement of the property itself, because in many cases the lighting rate, the highway rates, and the sewers rates, positively improve the property *quoad* rent, and are actually an addition to the value of the neighbourhood, and those rates would not fall upon the landlord, would they?—There are two distinct principles upon which the rates are, in point of fact, assessed; there is the ability to pay on the one side, and there is the benefit received on the other, and those two principles have been adopted by the Legislature in different rates and in some rates both together. In the lighting and watching rates both elements are taken into account, and agricultural land and market gardens pay so much less, because it is supposed that they derive so much less benefit, but that land, I suppose, is assessed with reference to the presumed ability to pay, and in that case the benefit is derived by the occupier, and not directly by the owner; to a certain extent the owner derives a benefit in the increased protection to his property and in other ways, but a great deal of it is peculiar to the occupier, and the owner has no benefit personally from the lighting of the roads which the occupier uses. If you could distinguish between those two classes of rates and the two principles upon which the rates are, in point of fact, assessed, and you could distribute so much to the principle of ability to pay, and so much to the principle of the benefit received, you might then draw a distinction, and assess the one upon the owner and the other upon the occupier; but in practice it would be so extremely difficult, and would involve so many refined distinctions, that I think it would be hardly possible to carry it out, except in a very rough sort of way.

252. Mr. *St. Aubyn.*] In the answers which you have given to the last two questions, when you speak of the owner, do you mean the person who receives the rack rents, or do you mean the ground landlord?—I was speaking of the person who receives the rack rents; in all rating Acts the person who receives the rack rents is regarded as the owner. It is a mere matter of convenience; of course the freeholder is the real owner.

253. Mr. *Walter.*] Should you say that, other conditions being equal, the rent of houses would vary according to the amount of rates to which they were liable?—Yes, other conditions being equal, it certainly does seem to me to be so. I cannot come to any other conclusion.

254. To that extent the rates would be paid ultimately by the owner?—Yes, but it is very seldom

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seldom that all the other conditions are exactly equal.

255. Mr. *Acland.*] Is not the practical working of the payment of rates by agricultural occupiers this: that whereas the rent of land is gradually rising in England through the general prosperity of the country, and as the rates are also rising, the landlords do not, in fact, feel the increase of the rates, because they are simply paid by their tenants under the general consciousness that the tenant is not wronged, because he is making more profit, and that, therefore, the increased rate, which is falling upon the occupier, if felt to be no injustice, because he is assumed to be generally better off than he was before; is not that the practical working of things?—I dare say it is.

256. Is it not the fact that the owners of the broad acres of England are almost unconscions of the increase of rates, except ultimately?—If their rents are rising of course they would be so, and that is, no doubt, a general fact.

257. You were asked just now whether a change in the law, making the landlord pay half the rates, would not be a great disturbance of the relations between landlord and tenant; if the rates on a farm of 200 acres were 2 *s.* in the pound, that is to say, 20 *l.* a year, and if the law decided that 10 *l.* should be paid by the landlord and 10 *l.* by the tenant, it is not to be supposed that there would be a general transfer of income from the one to the other, without any consideration of existing engagements; do you contemplate that, or not?—What I said was, that the agreement between the two would eventually adjust the matter; that is the only conclusion that I can come to.

258. May we not assume, that if the law were now changed, and that the 20 *l.* poor-rate now paid by the occupier were in future to be paid half by the owner, and half by the occupier, the Act of Parliament which enacted that would take the existing engagements into account, and make some arrangements for the transfer of the obligation?—I presume that the Act would do so.

259. Would not the practical working in future, if that clause should pass, be this, that whereas the landlord now does not feel the rates at all, he in future would feel, as regards half the rates over the whole of his property, whether they were going up or going down?—Yes, he would feel that.

260. Would not that have the effect, that the landlord would take greater interest in the management of the rates, and he would be more disposed to make a provident outlay, tending to the ultimate diminution of pauperism?—Undoubtedly, I should think so; I should think that the effect of giving him a direct interest by a direct charge would be to increase his interest in the good management of the rate.

261. Have you any acquaintance with the system in Scotland and Ireland?—No, not much; nothing that I could give any evidence upon that would be of any value.

262. Mr. *Gregory.*] Do you contemplate the disturbance of existing contracts in the apportionment of the rates?—In my answer, I did not, certainly.

263. Do you contemplate any alteration in the representation when you alter the incidence of the rates?—I should think that that would be a very proper thing to follow from the operation; if the owner were charged with half the rate, it would only be fair to give him a proper control of the expenditure of the rate, and if he were not so charged, it would be equally fair. I do not think that whether you charge him directly or not it makes any difference; he is equally interested now in the good administration of the rates, and would be equally entitled to have his fair share.

264. Mr. *Rathbone.*] Only he does not know it?—Perhaps not; but I think he is so in fact.

Mr. Francis James Cochran, called in; and Examined.

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265. *Chairman.*] You are a Collector of County Rates for the County of Aberdeen, are you not?—Yes.

266. And you have been so for 16 years past?—Yes.

267. Have you held any other offices?—I was also assessor under the Property and Income tax Acts for a large district of the county of Aberdeen, including also the whole of the city of Aberdeen, for 20 years, ending in 1862; I set a-going the first poor assessment in the parish of Oldmachar in the year 1835, the parish of Oldmachar being a very populous parish, including part of the city of Aberdeen, and I had the superintendence of the levying of that assessment for nearly 20 years.

268. So that you have been engaged both as regards county rates, as regards the assessment of income tax, and as regards poor rates?—Yes; and, as professionally engaged as an advocate in Aberdeen, I and my firm have charge of very considerable heritable property both in the city and the county.

269. Have you been agent for the parochial boards or managers of the poor?—Yes, I have been so for several parochial boards, and am and have long been a member of two parochial boards.

270. Will you give the Committee some information with regard to the county rates at the present moment?—The county rates, the levying of which is under my charge, consist of the following: the county general assessment, the police assessment, the prisons assessment, milita depôt assessment, the registration of voters assessment, the court-house assessment, the Aberdeen county and municipal buildings assessment, the cattle diseases prevention assessment, the turnpike road debt assessment, the commutation road debt assessment, the roads maintenance or roads repair assessment, and the roads construction assessment.

271. Are all those in operation at present?—All those are in operation at present, excepting the cattle diseases assessment, which does not happen to be required this year.

272. Will you state over what areas those rates are levied?—The whole of them are leviable over the whole area of the county, with one or two exceptions.

273. Will you state those exceptions?—The commutation road debt assessment is parochial; it only applied to certain parishes where there happened to be a commutation road debt in existence. Then the roads repair assessment is over the whole county, but it varies, according to the expenditure for the repair of roads, within each

each of the eight districts into which the county is divided. At present it happens that the rate is equal throughout, being 6 *d.* per pound, but that is so far accidental, and the roads construction assessment is only in the district where the construction takes place.

274. Those rates, I presume, are equivalent to what we should call the county rate and the highway rate in England?—Yes. I may mention, with reference to the four different road assessments which I specified last, that those are all in virtue of a local Act called "The Aberdeenshire Roads Act, 1865;" and the object of that Act was to provide for the debts affecting the turnpike roads and other roads, and to abolish the exaction of tolls. Consequently, under this Act a tax had to be provided to extinguish the debts in a certain number of years, and then a large tax to pay for the repairs as a substitute for the tolls.

275. Are those various assessments or rates levied from the occupiers or from the owners?—In all the cases that I have mentioned the tax is levied from the owner only. The owner's name alone is entered in the roll of assessment, and it is the owner who pays it.

276. Are there any cases in which the owner can deduct a portion from the tenant?—Yes, in two of the cases out of them all. The most important one is the road maintenance assessment, an assessment which has come in lieu of the tolls upon the roads. The tenants of course had the greatest part of the tolls to pay, and the arrangement in the local Act was, that the landlord paying the road maintenance tax should be entitled to recover from his tenant, along with his tenant's rent, one-half of that tax. At present the rate that the landlord pays of that tax, which is by far the largest of any of the taxes under my charge, is 6 *d.* per pound, and the landlord recovers from his tenant 3 *d.* per pound; he is entitled to recover one-half. The only other one where there is a similar right to recover is the cattle diseases rate, which I stated was not in operation for this year, and which is generally, and will be, a very small tax altogether. In all the other cases the tax comes out of the landlord's pocket entirely.

277. Mr. *Rathbone.*] With regard to the cattle diseases tax, does he deduct one-half or the whole?—The landlord is charged for the whole tax. The tenant has to pay his rent to the landlord, and in doing that the landlord, in the case of the road maintenance tax, exacts from the tenant, in addition to his rent, one-half of the tax, and the cattle diseases assessment follows the same rule. In the terms of the statute, as to the cattle diseases rate, the tax in the case of that rate would be exigeable, one-half from the landlord and one-half from the tenant, but, being the only exceptional case to our general rule in making up the assessment, and as we have only had it one year, we put it in the same position as the others; we put in the landlord's name only, putting a note to the notices and receipts, that the landlord on paying the tax was entitled to get one-half of it from his tenant in the same way as in the case of the roads maintenance rate; and that was the plan upon which it was carried out.

278. *Chairman.*] Is there no case where you deduct three-fourths from the tenant?—That was the law with reference to the commutation road assessment prior to the passing of the Act of 1865, to which I have referred. The public roads of the county, like most public roads in Scotland, were classified into two classes:—one, having tolls, which were called turnpike roads; the other, without tolls, which were called commutation roads; and those without tolls, viz., the commutation roads, were maintained by a small assessment laid upon the owners only, the owners in Aberdeenshire having the right to recover three-fourths of that assessment from their tenants. It is with regard to the commutation road assessment that the three-fourths arises; but that is all done away with now by the Act of 1865, by which the whole management both of turnpike roads and commutation roads is thrown into one, and the share that a tenant has to pay of the whole maintenance is one-half.

279. Under what statute are the whole of the above assessments assessed?—Except the last four, which have reference to roads, and which are all under the Statute of 1865, a local statute for Aberdeenshire, all the rest are each under a separate statute.

280. What is the Scotch Lands Valuation Act of 1854?—That was merely to settle the mode of valuation, and, that being settled, there are different statutes for raising the different taxes and administering them.

281. You have had considerable experience in collecting those rates; have you not collected them always from the owners?—Yes, always. I am now referring to the county rates.

282. Have you found any inconvenience in collecting them from the owners instead of from the occupiers?—No, but quite the reverse; I should say that it is far more easy to do it from the owners than from the occupiers.

283. How do you manage to get at the owners?—I issue notices telling them the amount of rental upon which they are charged, and the amount of assessment in each case for the different assessments I have referred to, all contained in one notice; and those notices are served upon the owner or upon the agent, or factor, as we call him in Scotland, having charge of the estate, and in that way the money is got in very readily.

284. Now, we will take the case of owners who are not the owners of estates, but of cottage property; do you ever find that the owners are absent, or that you cannot find them?—No, I have not found that in experience; I send my clerk, or go to the village or town, sending a notification five or six days before, with notices to each owner. If an owner is absent necessarily he has some person to look after his property, and to draw the rents of it, and that person is the person who receives the notice and comes and pays the rate.

285. You keep your list of the owners, but I suppose you do not even enter the names of the occupiers at all?—No, that is true. But there is a provision in the Lands Valuations Act which makes a slight exception to that, namely, that where the lease is for 21 years and upwards, then the lessee or tenant is to be held quasi owner, and to be entered in the book as owner; but that is a speciality which does not occur very often.

286. Mr. *Walter.*] In that case can the tenant recover the rate from the owner?—He can recover the proportion of the rate applicable to the actual rent which he pays. The provision of the Act is, that when the lease is for 21 years and upwards, the actual rent in the lease is disre-

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garded by the assessor under the Valuation Act, and he is then entitled to put such a fair value upon the farm, or whatever it is, as he thinks proper; and that is the value which is set down against the lessee; and he being called the proprietor under the Act, and he paying assessments on such value as the proprietor under the Act, is then entitled to retain from the real proprietor a proportion of the tax which he has paid, applicable to the actual rent which he pays. But, of course, in either case you will observe it is the proprietor's rent which is charged; the actual proprietor bearing the tax upon the rent which he receives, and the quasi proprietor in that way being left out of pocket the rate applicable to the surplus value

287. *Chairman.*] During the 16 years that you have been the collector of the county rates, have you never found inconveniences from the absence of the owners, and a difficulty in getting their address?—I cannot say that I have. On the property, whether it is a cottage, or a house, or a landed estate, or a salmon fishing, or whatever it is, there is always some person who is collecting the rents of it, and taking charge of it, and that is the party who pays the rates.

288. Is a notice served upon the agent a legal notice upon the owner; I presume that by the Statute you are required to give notice to the owner?—Yes, I think that a notice served upon his factor or agent is quite sufficient; but in a few cases that I have, and I annually have a few cases where I require to proceed to legal distress, or diligence as we call it in Scotland, in such cases I send the officer to the ground or to the house to poind the effects which he takes there, and in such cases the tenant who suffers is entitled to all the costs as against his landlord.

289. Then your position in Scotland is this, that the owner alone is responsible for the county rate?—Yes, in the county of Aberdeen.

290. But if he is absent you can temporarily take hold of the effects of the tenant in order to recover the rate?—Yes.

291. You were collector of the poor rates also, were you not?—Yes, formerly I was.

292. Therefore you are acquainted with the collection of the rates from the tenants and occupiers?—Yes, I collected them also from tenants and occupiers in that case.

293. Which did you find the most convenient, the collection from the owner, or the collection from the occupier?—I should say that collection from the owner is far more convenient, especially in one respect, that the payments are fewer; that is to say, the number of parties to deal with is greatly fewer, and the money being paid generally by a party who is in better circumstances than many of the small tenants it is more easily got.

294. Then the county rate being levied from the owner, and only in two cases deductions being made by the owner from the tenant, can you state to the Committee who administers those rates?—With the exception of the four road assessments which I have specified, the management of the whole is either actually or virtually with the commissioners of supply.

295. Will you state who they are, and how they are appointed?—The qualification of commissioners of supply is now fixed by the Lands Valuations Act, 1854, and as far as I remember it is the ownership of heritable property within the county amounting to 100 *l.* per annum of rent.

296. The rates being levied from the owners, the owners alone administer the rates?—Yes.

297. And no representation is given to the tenants?—Not in any of those cases that I have referred to.

298. We are speaking now, are we not, of the county general assessment?—Yes, the county general assessment and police, and all the other county assessments under my charge excepting the road assessments. It is right to mention, when I say the commissioners of supply, that sometimes they appoint committees, and they are a large body; for instance, there is the police committee, who by the police statute have certain powers and duties in the administration, and there is the prison board of the county, but the members of it are named by the commissioners of supply.

299. Are not the commissioners of supply what you may call the general governing body for local purposes?—Yes.

300. How are they appointed?—They are appointed from the ownership of property, of heritable subjects, within the county, of the annual value of 100 *l.*

301. Are all of those heritors then commissioners of supply?—Yes, and the eldest sons of those whose rents amount to 400 *l.* are commissioners, and the factors of those whose estates amount to 800 *l.*, as far as I remember; I did not bring the Act with me, but it is the Act of 1854 which regulates that.

302. Those commissioners of supply are the general assembly of all the owners of the county above a certain line, are they not?—Yes.

303. And besides those, the eldest sons of a portion of them and the factors of a certain portion of them?—Yes.

304. In fact, every one interested in an estate above 100 *l.* has a voice in the administration of those rates?—Yes.

305. But they proceed, do they not, by electing committees for the various purposes?—Yes.

306. Now, will you state in what way the four last rates mentioned, those connected with the roads, differ from the remainder; I mean the turnpike road debt assessment, the commutation road debt assessment, the roads maintenance assessment, and the roads construction assessment?—With regard to the turnpike road debt assessment, it is the same as I have stated before; the owners are the commissioners of supply, virtually. The commissioners of supply are named by the Road Act of 1865 as the general road trustees; then the commutation road debt assessment is in the same position; but both those assessments are terminable when the debts are respectively paid off; the next, which is the most important one of all, the roads maintenance assessment, of which, as I stated, the landlord has a right to recover one-half from his tenant, the parties in the administration of that assessment, which is for a very important object, namely, keeping in repair all the public roads in the county, are the commissioners of supply, and two tenant farmers, elected in each parish by the qualified voters; and the qualified voters are the tenants occupying lands or heritages within the parish of the annual value of 20 *l.* and upwards. They meet in the month of November every year to elect two farmers to be road trustees in each parish in the county; then those two farmers, road trustees, meet

meet along with the owner trustees, as members of the district boards, for the repair of the roads; the whole county is divided into eight districts, each district containing from eight to fifteen parishes, varying according to the size of them; there are eight districts in the county, and the trustees, that is to say, the commissioners of supply and the two tenants elected from each parish, meet at a specified place in their district, and have the whole management of the repair of the roads within the district, employing a qualified surveyor under them for that purpose; and from their proceedings there is an appeal to the general road trustees, who meet at Aberdeen, the head place of the county. But, practically, the administration of the road maintenance fund is in the district trustees, to which body the tenants in each parish send two of their number; then, of those two who represent the tenants at each district board, each district board annually select one, who is sent up to Aberdeen as a member of the general board.

307. There are three divisions, the parochial division, the districts, and the whole county?—Yes.

308. And the representation of the tenants is secured at each?—It is practically, and in terms of the Act; the arrangement of the district, and the general superintendence is in the general board at Aberdeen.

309. That applies to maintenance; how far does it also apply to construction?—It does not apply to the construction at all. The tenants are not assessed in any way, directly or indirectly, for any construction, and they have no voice whatever in regard to that matter; it is merely the maintenance that they have to do with.

310. Mr. *Rathbone.*] Who do manage the construction?—The heritors, the commissioners of supply, and the general road trustees.

311. *Chairman.*] Does the roads construction include the building of bridges?—There is a separate power to assess for that. I have not included it in my list, because we have never yet had it in operation; but the roads construction assessment is a district assessment. The building of a bridge, if it has got into the class of county road bridges, is a county assessment charged over the whole county. We have never yet had that in operation; but the rebuilding of an ordinary bridge, or the repair of an ordinary bridge, falls under the roads maintenance assessment. The roads construction assessment is an assessment for making a new road, and the rule about that is that the proprietors interested in it must put down one-half the cost themselves, and then the road trustees, if they think it of general utility, agree to pay the other half, and they impose an assessment called the roads construction or new roads assessment.

312. The tenants only pay in the case of the maintenance?—Yes, that is so.

313. Are they not outnumbered very much at the boards to which they go, if all the proprietors are represented, and there are only two tenant farmers to each parish?—At the district boards, many of our parishes contain so few heritors (they may have large estates, but they are few in number, and often non-resident or from home) that, generally speaking, at a meeting of the district board, the tenants would be fully one-half if they attended regularly, and they do sometimes; particularly at the outset of the procedure under the Act they attended very regularly; but at the general board in Aberdeen, we generally find that they do not come up so well; and there they would be outnumbered; although, if they were coming up two from each parish throughout the whole county, I do not know that they would be outnumbered according to the general attendance that is given by the proprietors.

314. You said that there were eight districts, how many parishes are there in the county?—There are 87 parishes in the whole eight road districts.

315. Could you state to the Committee the number of heritors above 100 *l.*?—About 220.

316. That is so far as regards the county rate, are you acquainted with the general mode of assessing the poor rate?—Yes.

317. Can you state how that is assessed, chiefly with regard to owners and occupiers?—They are both assessed for the poor rate. The rule for levying the poor rate throughout Scotland is, that one-half of the gross sum that is required is levied from the owners, and the other half of the gross sum is levied from the occupiers.

318. When you say the gross sum, supposing that you required a certain sum in the year, that sum would be divided into two portions, as I understand, and one-half would be assessed on the owners and one-half upon the occupiers?—Yes.

319. It would not all be collected either from the owners or the occupiers, but there are two collections?—Yes, there are two collections.

320. Is it necessary to have the two collections; why could you not follow the same principle as in the county rate, namely, that the owner should pay it all and deduct from the tenant, or the tenant pay it all and deduct from the owner?—I am not quite certain but that in some country parishes that course is really adopted to save expense and trouble, and no doubt in a country parish that course might be adopted; not consistently with the present statute, because the present law under the statute is clear that we must assess both the owner and the occupier each for one-half; that is to say, the whole amount is divided into two equal portions, and one of those portions is raised from the owner and the other portion from the occupier. But it does not follow that the rates are precisely the same, because, with regard to the occupier's half, the Assessment Act permits what is called classification, arising from the nature of the occupation; the principle of which is, that all residential occupancies shall be charged at a high rate, whilst an occupancy merely for the purpose of business or manufacture should be charged at a comparatively low rate. That is the principle of the classification. Farms, of course, are assessed at a low rate compared with dwelling-houses, and the classification only becomes necessary where the parish is of a mixed nature, because if a parish is composed entirely of land there is no use for the classification at all. If it is composed partly of land and partly of house property, then the classification becomes necessary in point of equity. The classification amounts to this, that it is a rule laid down, and parishes have a certain latitude allowed to them in the framing of that rule, but they must specify the rule distinctly, and have it approved of by the Board of Supervision of the Poor in Edinburgh, stating what the terms of the classification are. In the parish of Old Machar the classifi-

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cation that we have adopted is contained in the rules of assessment which I will read, and the Committee will see what is meant by classification.

321. In the classifying, do you say that a person shall only be rated upon a quarter of his rent, or do you say that he shall pay so much less in the pound?—It is so much less in the pound. Formerly, before the present Poor Law Act passed, in 1845, that very plan which you have mentioned was adopted. In Old Machar, where I started the assessment, instead of making the rate different we made the rate the same, but charged the occupier only upon a certain proportion of the rent. The principle of poor's assessments in the law of Scotland is this, that while one-half of the assessment was required to be levied from the landlord on heritable property, the other half was required to be levied from the inhabitants of the parish, according to their means and substance. Many disputes arose about means and substance, and the Court of Session ultimately came to the decision, which they made authoritative, that it was a preferable plan to take the rents of occupied premises, as an index of means and substance, rather than to attempt to get at the means and substance themselves. But then as premises of different kinds did not equally indicate means and substance, but rather residential premises indicated the means of a man to pay, while his business occupancy was incidental to the occupation which he had, and was rather the means of his living in his house than an index of his wealth, the principle was introduced of charging residential premises at the higher rate, and charging a comparatively low rate upon business occupancy; and then the rule which we have in Old Machar just now, and which I might read, is very short.

322. Sir *Massey Lopes.*] With regard to the meaning of this expression, "means and substance;" will you state to the Committee whether you mean by "means and substance" personal property as well as real?—The expression "means and substance," I think, was first introduced about the middle of the sixteenth century in the Scotch statutes, and its interpretation at first, no, doubt, was not very clear or well-defined or understood, but ultimately it came to be understood in the poor law phraseology as meaning all estate except heritage, which was charged separately. Then various disputes necessarily occurred as to whether it was chargeable upon a man at the place in the parish where the business was carried on, or in the parish where he lived. Some people had the pleasure of being assessed both where they lived and where they carried on their business; but the Poor Law Act of 1845 put all that right, and defined it distinctly. But I may mention that the system was found to be unworkable; and those parishes which had the means and substance system, which were very few, had it gradually changed, as they were permitted to do under the Act; and in 1861, or thereabouts, an Act was passed by the Legislature abrogating it entirely; so that it is at an end, and the index which the Court sanctioned is adopted instead of it, namely, occupancy.

323. You substituted this graduated income tax for the old system of means and substance?—Yes, if you call it so.

324. *Chairman.*] Would you call that an income tax?—A means and substance tax was a very different thing from an income tax, the difference being this, that an income tax is only manageable as a general rating over the whole kingdom; but for local objects, such as it would be for the poor of a particular district, it is a different thing; means and substance tax, instead of being an indirect tax upon income, as the income tax is just now, was what the mercantile community of this country would never suffer, viz., a direct tax upon A. B. and C.; that is to say, a committee sitting round a table, and saying, "So-and-So lives in the parish, what do you put him down at?" and so on. Of course that became utterly unworkable in a short time.

325. Will you now read the classification?—"Rules of assessment for the poor of the parish of Old Machar, under the Act 8 & 9 Vict. c. 83, entitled 'An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in Scotland.' One-half of the whole assessment required for the parish shall be imposed upon the owners, and the other half upon the tenants or occupants of all lands and heritages within the parish, rateably according to the annual value of such lands and heritages, and in levying each half the following rules shall be observed: As to classification of lands: The lands and heritages in the parish of Old Machar shall, for the purposes of the assessment on the tenants or occupants, be distinguished into three separate classes; the first class consisting of dwelling-houses and whole other lands and heritages, except those mentioned in the second and third classes; the second consisting of shops, warehouses, and stables, used solely in the occupier's trade or business, business offices, spinning mills, manufactories, brickworks, quarries, water-powers and railways, gaspipes, waterpipes, and ground used for such pipes; and the third class consisting of farms, cultivated grounds, and fishings; and that the rates of assessment upon the tenants or occupants as such, shall be so fixed as that the rate upon those of the second of the said classes shall be as nearly as possible one-half, and the rate upon those of the third class as nearly as possible one-fourth part, respectively, of the rate upon those of the first class; and where these proportions cannot be exactly obtained, without adopting fractional parts of a halfpenny in the rate, the nearest proportion shall be adopted when above or below the proportion before mentioned, so as to avoid fractional parts of a halfpenny in fitting the said rates." Those are the rules which were sanctioned by the Board of Supervision; then as to the deduction from the gross rental there is a certain deduction which I need not read.

326. The second class pay what proportion?—Half.

327. And the third class pay what?—One-fourth. The result of all that upon the rates was this:—The owners being rated at 9 *d.* per pound, that raises 4,275 *l.*; the occupants, class first, are rated at 1 *s.* 1½ *d.* per pound, producing 3,776 *l.*; class second, at 7 *d.*, producing 633 *l.*; and class third, at 3½ *d.*, producing 324 *l.*; and producing from the total occupants 4,733 *l.*, or (deducting arrears, &c.) as near as might be one-half of the whole.

328. They have to pay so much more in order to make up for so much less to the other occupiers?—Yes; owners, 9 *d.*; first-class occupiers, 1 *s.* 1½ *d.*; second-class occupiers, 7 *d.*; and third-class, 3½ *d.*

329. Would

329. Would the average of those three come out of the 9 *d.* again?—Those three produce 4,733 *l.* as near as possible to the owners' half; that is the principle of it.

330. Sir *Massey Lopes.*] Is that scale which you are reading adopted by your own particular parish, or is it a general one adopted by the Board of Supervision throughout the whole of Scotland, or does it vary in every parish?—It is not a general rule; the greater number of parishes have no classification; the classification is permitted by the Act, but it is not enjoined, and the greater number of parishes, namely, all the agricultural parishes do not need it, because the occupancy is nearly all of one character, and there, of course, the rates are uniform; the landlord pays so much in the pound, and the tenant pays that same rate; it is applicable chiefly and remarkably to a parish joining a large city, partly containing house property, and partly containing farms and cultivated grounds, and, in short, of a mixed character, consequently it is generally in those parishes that we find classification to prevail.

331. *Chairman.*] Is the parish you have spoken of a parish in Aberdeen?—It is a parish containing nearly half the city of Aberdeen, and five or six miles of farms outside it.

332. So that it is a large and important parish?—Yes.

333. Sir *Massey Lopes.*] What I understand you is that those scales may be altered by the heritors in each parish, provided that the scale is adopted by the Board of Supervision?—They can only be altered by the parochial board in each parish, with the concurrence of the Board of Supervision in Edinburgh; and I may mention that the Board of Supervision are very chary of making any change after the scale has once been fixed and agreed upon.

334. Mr. *Rathbone.*] Does not this classification exist in other large parishes, such as in Edinburgh, Glasgow, Dundee, and those places?—Some of them have abandoned the classification altogether and made the tax uniform.

335. *Chairman.*] You say that this parish of Old Machar contains half of the city of Aberdeen, is there another large parish in Aberdeen?—Yes, the parish of St. Nicholas, a very large parish; it is not large in extent, but very densely peopled. The parish of St. Nicholas is entirely a burghal parish, and the classification there is somewhat different from that in Old Machar.

336. But they really have a classification?—Yes, they have a classification. They had it very similar to the classification I have referred to as existing in Old Machar; I believe it was the same for some years, but last year they have changed it, and got the concurrence of the Board of Supervision. As far as I recollect the movement, they wanted to make it entirely uniform, and to do away with the classification entirely; but the Board of Supervision would not sanction that, and it ended, I think, in this, that lands and fishings should be charged at half the rate of other heritages for occupancy; that is all the classification that they have now.

337. Mr. *Rathbone.*] Practically, shops were charged the same as dwelling houses?—Yes, they now are so in that parish.

338. *Chairman.*] In your parish, residences were taxed the highest, were they not?—Yes, for occupation.

339. Therefore, a small occupier of a house of 5 *l.* or 10 *l.* would pay the full rates, whereas manufacturing premises would only pay half the rates?—Yes; but then the manufacturer was charged fully upon his residential premises.

340. But as far as his house was used for the purpose of business, it would only be taxed one-half?—Yes.

341. And the farmer would only be taxed a quarter?—Yes; but then in the discussions that we had about it, in comparison, when we found, for instance, a farmer at 100 *l.* a year, we thought that he would be still high enough charged if put upon the same footing as a person occupying a dwelling house at 25 *l.*

342. As I understand, this only applies to the half rate which comes from the occupier?—Only to that half.

343. The owner both of house property and of landed property, and of manufacturing premises, pays his half equally?—Yes, at the full rent, or rather not exactly at the full rent; there are some deductions; they are all subject to a uniform deduction for rates; but this applies equally both to owners and occupiers' assessment.

344. Mr. *Birley.*] Did I rightly understand you to say that land and fisheries were charged at a reduced rate?—Yes, in St. Nicholas, for occupancy.

345. I want to know whether there is any distinction between this parish of St. Nicholas and the other parish first spoken of, which accounts for the difference of classification?—I think that the reason that was given for the change was this, that the older part of the city, the St. Nicholas part of the city, was getting very much deserted, in so far as regards residents within it; the merchants were carrying on their business there, and were coming out to the parish of Old Machar to live, and consequently the same ground for classification did not apply there, because St. Nicholas parish was left with too many business premises, and too few residential premises; and we were getting the assessment upon the residential premises, whereas in St. Nicholas they were only getting the lower rate upon the business premises.

346. *Chairman.*] The poor rates being paid one-half by the owner, and one-half by the occupier, can you state to the Committee what proportion each of them have in the administration of the rate; and first of all, how are the parochial boards composed?—There is a difference in the constitution of the parochial boards, between what is called the burghal, and what is called the landward; and the parishes that are partly within the borough and partly without, such as Old Machar, are treated as landward parishes; in the landward parishes the parochial board consists of all the owners of heritages of 20 *l.* annual rent, along with the provost and baillies of any Royal burgh in the parish, the kirk session of the parish, and a certain number of elected members. The kirk session is composed of the minister and the elders, who are the principal lay officers in the congregation in the established church. You observe that I said that the parochial board consists of heritors of 20 *l.* and upwards, the provost and baillies, if any, the kirk session and a certain number of elected members, those elected being not otherwise qualified, that is, they may either be tenants or they may be proprietors under 20 *l.* a year, and the number of elected members is fixed once for all by the Board of Supervision in Edinburgh, according

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to the population, and the circumstances of each parish. That is the parochial board in each landward parish, and the same principle, without any difference in it, is applied to parishes like Old Machar, which is partly within and partly without the borough. In a country parish the principle of constitution referred to operates remarkably well. You have a board of from five or six up to 15 or 20 generally, and there is a fair admixture in it of the representatives from each class. But in a parish such as Old Machar, and the Barony in Glasgow, and St. Cuthbert's in Edinburgh, and other parishes in the suburbs of large cities, into which parishes the cities have gradually extended themselves, those parishes being partly within the borough and partly without, the terms of the enactment in the statute constitute their boards on the same principle as in country parishes; that is to say, each proprietor, whether of house or land, of the value of 20*l.* a year and upwards, is a member of the board along with the kirk session, and the provost and baillies of the borough, if it is partly within the borough, those being ratepayers, and the elected members fixed by the Board of Supervision. There are four different constituent bodies in the parochial boards in those parishes; there are the 20*l.* proprietors, the provost, and baillies of the borough, the kirk session, and the elected members (their number being fixed by the Board of Supervision, and the mode of election also in the terms of the Act). In the parish of Old Machar the number of twenty pounders I should say, probably, was upwards of 1,500. Then with regard to the elected members, I do not think that the Board of Supervision ever sanctioned more than 30. The number in Old Machar is 20, so that the election of elected members comes to be a matter, generally, of very little interest, as they have to act along with 1,500, and I have seen occasions when hardly anybody came to the meeting to elect them. Then, where the kirk session numbers more than six, the kirk session send only six of their own number.

347. Then we come to the third class, namely, the burghal parishes; what is the state of things with regard to them?—In the purely burghal parishes the course is quite different; the whole ratepayers elect the board annually; the number of members of the board is fixed by the Board of Supervision in Edinburgh, and then the whole ratepayers annually elect that number from amongst their own body. In any of the cases of elections of members to serve on the board there is a graduated scale of voting laid down in the statute. In boroughs, of course, it is most important; we have hardly such a thing as a contest in Old Machar to be a member of the board, because it is too numerous otherwise, but in St. Nicholas it is only 15 that they elect, and these 15 constitute the whole board, excepting four menbers, elected by the magistrates of the burgh and four by the kirk session.

348. Can you state to us how many owners come to the parochial boards in the boroughs?—That depends entirely upon the electors; they may send them all occupiers if they choose. There is no *ex officio* representation of owners in the borough. The constitution of it in the 17th clause is in these terms: "And be it enacted, that in every burghal parish, or combination of parishes, there shall be a parochial board of managers of the poor, and the whole administration of the laws for the relief of the poor shall be under the direction and control of such parochial board," and so on; and the constitution of it is this: "And when in any burghal parish or combination in which it shall have been resolved as hereinafter provided to raise the funds requisite for the relief of the poor by assessment, the parochial board of such parish or combination shall be constituted and chosen as follows: that is to say, the persons assessed for the support of the poor within the parish or combination shall elect, in manner hereinafter mentioned, to be members of the parochial board, such number of managers not being more than 30, as the said Board of Supervision, having due regard to the population, and other circumstances, of every such parish or combination, may from time to time fix, and possessing such qualification by the ownership or occupancy of lands and heritages of a certain annual value, within the parish or combination as the said Board of Supervision, having due regard to the population, and other circumstances, of every such parish or combination may from time to time fix, such qualification being in no case fixed at a higher annual value than 50*l.*, to be ascertained in manner hereinafter provided in regard to the qualification of voters; and the magistrates of the burgh shall nominate four persons to be members of the parochial board, and the kirk session of each parish shall nominate not exceeding four members of such kirk session to be members of the parochial board."

349. I understand that, while in a parish that is partly in a borough and partly out, you have got the whole of the heritors and an enormously large board, in the boroughs themselves you have got a comparatively small and compact board, composed of perfectly different elements?—Yes.

350. The heritors not having any voice except as electors?—Quite so.

351. And they have no *ex officio* representation upon those boards?—No.

352. In your experience, which acts best?—I cannot say, but that in Old Machar they have acted pretty well. The board have generally not above three meetings in the year, and the Act gives full power to delegate their entire functions to committees, and they do so; they have a general purposes committee, and a division supply committee, for the supply of the poor, and they have a poorhouse committee, and so on; it is all regulated in that way, and the committees are left at full liberty during the year, coming up with a report of their proceedings at the end of the year, and that goes on every year. I must say, at the same time, that, in principle, I rather incline to prefer the burghal plan, viz., electing 15 or 20 as a board, leaving them to perform the entire duties during the twelve months.

353. As regards the division generally of the poor rate between the owners and the occupiers, are you aware upon what principle that has proceeded, and what are the advantages of dividing it between the two?—Where there is a classification, of course, it would not be workable to levy it all from one.

354. I am not speaking of levying it from the one or the other; but antecedent to that, what has been the idea in putting it partly upon the occupiers and partly upon the owners; has it been for the purposes of convenience or has it been with the view of taxing both?—I can only answer that by just stating that it is contained in the

the old Scotch statutes, which are the foundation of the Scotch poor laws; those statutes contemplated that half of the entire sum should come from the land, and the other half from the inhabitants. What was the reason of the Legislature in those days for adopting that principle of course I cannot tell.

355. It came probably from the idea of taxing the land and taxing the inhabitants?—Yes, very probably.

356. We have got one class of rates that we may rapidly touch, and that is borough rates; are those levied from the owner or the occupier?—They are partly both; there is, first, under the charge of the Commissioners of Police of the borough, acting under a Local Act, the police assessment, which includes watching, lighting, water, and certain criminal expenditure; it is levied entirely on the occupier: then the sewer rate is also under the charge of the same Police Commissioners of the city, and is levied entirely on the owner. Then there is a nuisance removal or public health rate, and a municipal buildings rate, also under the charge of the Commissioners of Police, and both charged on the occupier only. Then there is, under the charge of the corporation of the borough (we call them the Lord Provost and magistrates, or the municipal council of the borough), the prisons assessment, which is equally on the owner and the occupier. In all those cases the city tax-gatherer levies each from the person himself; he does not levy the owner's rate from the occupier, or the occupier's from the owner; he has them all separately rated in his books.

357. Do I understand you that all the taxes which you were going to enumerate under the charge of the municipal council are charged half on the owner and half on the occupier, and collected separately from each?—No, they are not all uniform charges of half on each. I will mention each; the prisons assessment I said was equal on the owner and occupier; so are the valuation, registration of births, &c., registration of voters and militia depôt assessments, all equally on owner and occupier; the county and municipal buildings and court-house assessments, on the owner solely, and the rogue money on the occupier solely. The roads assessment is under the Borough-road Trustees, and is equally on the owner and occupier.

358. What is the rogue money?—It is spent in paying the procurator fiscal or public criminal prosecutor, and in the apprehending of criminals and the detection of crime; the rates I have just spoken to are all in the city of Aberdeen, and are all charged on the Lands Valuation Roll.

359. Whatever proportions are paid by the owner or occupier, these are collected separately from the owner and the occupier?—Yes, all separately collected.

360. Does not that involve additional labour?—No doubt it does, and a great many more entries in the books.

361. What advantage is there gained by it; there is no classification of rates?—No; there is no classification of rates.

362. Can you state any advantages derived from levying it in that way?—I am not aware of any, except that in most of the cases it has been of long standing, and of course there would be a disadvantage, and probably some inequities, from a change.

363. Mr. *Rathbone.*] Do you think that that induces both parties to take more interest in the matter, or otherwise?—That is another consideration, which is very often important, particularly in the administration of the Poor Law, that by making the charge directly upon the occupier it gives him an interest in the administration with the view of preventing and detecting imposition.

364. *Chairman.*] That being the division between the owner and the occupier of those rates, how is the body elected that administers them, namely, the town council?—The municipal council is elected by the same parties who elect the Members of Parliament for the boroughs; under the recent statute, the qualification for electing members of the city council is the same as the qualification for electing Members of Parliament for the borough, and of course it is household suffrage.

365. Being household suffrage, the owners have no representation on this council except as mere electors, not as heritors?—Only as electors. The members of the town council, whether owners or occupiers, are only elected; they are not there *ex officio* in any way.

366. Is the owners' influence so great that they are fairly represented in comparison with the amounts that they pay?—Of course it goes by number, and the number of occupiers is far greater than the number of owners. In the lower classes of houses in Aberdeen there are very often four or five or six or eight families, so that the number of householders is far greater than the number of owners.

367. In the city of Aberdeen you have this result, have you not, that the occupiers see that the owners are paying a certain portion of the rates direct, but the occupiers practically have the whole management in their hands through the elections?—In so far as regards the taxes under the charge of the town council.

368. Have you ever known instances where that has led to increased expenditure, or to any abuse of any kind?—I can hardly say that it has led to increased expenditure, but we had a very strong instance at Aberdeen at the last municipal election in October or November last, of the power of the lower class of voters. A scheme was proposed for the construction of a bridge across the river, not far from Aberdeen, and the lower classes supposed that it would be a great advantage to them to get it. There were two parties in the city; the higher and better classes were generally opposed to it, on account of the extravagance of the proposal; there were many things connected with it, such as patches of land that could only be got at a high figure, and a great many of the better classes were quite against it, or supposed to be so, including the then Lord Provost; but the Lord Provost required to be re-elected; he went out and had to stand for re-election upon the last occasion, and he and the party that were against, or supposed to be against, the bridge, who had to go through the ordeal of re-election, were entirely defeated. The household suffrage people put out the men that were against their views, and put in men that were entirely favourable to their views.

369. By household suffrage people, you mean the ratepayers?—Yes. None of those taxes that I have been enumerating now would go to such an expenditure as this bridge; it would come out of the common good of the city, that is to say, the general funds of the city.

370. Half of the expense would have been charged upon the landlords, as I understand?—The bridge would have come out of the general

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funds of the city; they have large property, feu duties, and other means; and one party, who were very much in favour of the bridge, endeavoured to show that it could be done without trenching heavily upon the fund, and the other party endeavoured to show that it would bring the fund into financial difficulties, and it was maintained that it would necessitate an assessment.

371. Mr. *St. Aubyn.*] It appears that the owner in Scotland is liable to be assessed; who do you consider the owner in the case of house property let on building leases; is it the one who receives the rack rents, or is it the proprietor of the soil?—In the terms of the Poor Law Act, there is an express provision with regard to land let on a building lease; in such a case the owner of the house or the lessee is to be held the proprietor.

372. And you act upon that?—Yes. In reference to the general county rates, it is much the same rule; the owner of the house is held to be the proprietor. We have very few instances in Scotland of building leases; generally the houses are erected upon land held in feu, that is in perpetuity. It may be for the payment of a pretty large feu duty or ground-rent, but yet the holding is in perpetuity, and so the question does not come very often into operation.

373. Sir *Massey Lopes.*] You say, do you not, that the Board of Supervision have adopted a graduated scale in rating between the different kinds of property?—Yes. You refer, I presume, to the classification that I was speaking of, in reference to the occupant's poor's assessment.

374. What was the object of that classification; was it an indirect way of taxing every man according to his ability?—That was the original principle and design of it, as an indirect way of taxing every man according to his ability.

375. *Chairman.*] That classification was not introduced by the Board of Supervision originally?—No, it was introduced by the Court of Session really in interpreting the old statutes more than a century ago. I cannot say that there really is any statute for it, but it came to be pretty generally used in mixed parishes, wherever an assessment was imposed; and in settling the assessment for the first time in the parish of Old Machar in 1835, that was the only way that I found of escaping from the difficulties, and impossibilities almost, attending the case, because when the classification was tried, the parties in trying how much they would have to pay began to see that it operated very fairly, and so it was ultimately carried and adopted, and when the Act of 1845 was passed, permission to classify was put into it. The parochial board may classify, but they can only do it by getting the sanction of the Board of Supervision to the mode of classification.

376. Did that originate with the Board of Supervision?—No.

377. Sir *Massey Lopes.*] Did not the Board of Supervision adopt that plan as a substitute for taxing means and substance?—Yes; but it was not proposed by them at all. The instance that I have in my mind shows that it was not proposed by them, because we had it in operation in Old Machar parish 10 years before the Board of Supervision themselves had any existence.

378. *Chairman.*] The Board of Supervision is a more recent body, is it not, than this principle of classification?—Yes.

379. Mr. *Birley.*] As I understand, the Court of Session adopted that definition of the mode of taxing, namely, according to their means and ability?—The Court of Session laid down the principle that assessing the rent of occupied premises was a far better course than a guess at means and substance; and then when the rents of occupied premises came to be adopted, as parish after parish was forced into having an assessment, they adopted the classification, and it gradually worked in.

380. Mr. *Gregory.*] Is your system of roads one that is general throughout Scotland?—Previous to the Aberdeenshire Roads Act of 1865, it was so; since then our system is regulated by the Act.

381. Have you any turnpikes in Scotland?—Yes, we have turnpike bars and turnpike gates; but in Aberdeenshire we applied to Parliament for the Act of 1865, referred to, and obtained it, abolishing turnpike bars; and the largest assessment that I have referred to to-day is a substitute for those tolls. Our system is not now the same as throughout Scotland; not many counties have yet got Acts for abolishing toll-bars, but there are a few; Morayshire and several others in our neighbourhood have got such.

382. How have you dealt with the debts?—We imposed a separate assessment to extinguish the debt. The way that we dealt with it was this: when we first had it ascertained, the debt amounted to 500,000 *l.* or 600,000 *l.*, including the accumulation of interest; we had it extrajudicially valued at what it was really worth according to the revenues which the bars were producing, and then we had the value struck, and the value thus came only to about 45,000 *l.* under the statute, instead of 600,000 *l.*, and then we assessed for the value so fixed, making that assessment run over 25 years so as to extinguish the debt.

Friday, 18*th March* 1870.

MEMBERS PRESENT:

Mr. Acland.
Mr. Ayrton.
Mr. Backhouse.
Mr. Birley.
Colonel Brise.
Mr. Corrance.
Mr. Fielden.
Mr. Goschen.
Mr. George Gregory.
Sir James Lawrence.
Sir Massey Lopes.
Mr. Rathbone.
Mr. St. Aubyn.
Mr. Charles Seely, jun.
Mr. William Henry Smith.
Mr. Walter.
Mr. Wheelhouse.

THE RIGHT HONOURABLE GEORGE JOACHIM GOSCHEN, IN THE CHAIR.

Mr. TOM TAYLOR, called in; and Examined.

Mr. *T. Taylor.*
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383. *Chairman.*] YOU are at the head of the Local Government Act Office, in London, are you not?—Yes, I am the Secretary of that office.

384. Will you state to the Committee the kind of areas over which your jurisdiction extends?—Their generic name is districts; they may be municipal boroughs; they may be towns under Local Improvement Acts; they may be parishes; they may be townships; they may be hamlets; or, finally, they may be places not having any division known to the law other than the boundaries fixed for the purposes of our Act.

385. Under what Act of Parliament do you exercise your functions?—Under the Local Government Act of 1858.

386. Could you state to the Committee the progress of legislation with regard to uniformity of local Acts for the kind of functions now exercised by local boards?—I may say generally that the earliest local Acts, I believe, for town government that have been passed in any quantity are the local Acts in the reign of George the Third. Up to the reign of George the Third local Acts for town improvement were exceptional. In the reign of George the Third a great many Acts were passed for that purpose; but the first set of Acts that were passed with the object of giving uniformity to town improvement legislation were the Consolidation Clauses Acts of 1847, particularly three, one called the Towns Police Clauses Act, the other called the Towns Improvement Clauses Act; and another, I may add, called the Commissioners Clauses Act.

387. Up to that time how had the improvements in towns been carried out financially?—By a number of different local Acts containing their own rating provisions, many of them differing much the one from the other. Those Acts made a great many exceptions from rating and a great many limitations of rating, and a great many special provisions; almost every town had its special rating provisions.

388. Are you aware of the rates levied under those improvement Acts ever having been collected and brought together prior to 1848, or even then?—Not even then. I think that the Local Taxation Returns Act was the first Act requiring those Returns to be brought together.

389. In looking back to the various statistical compilations which profess to state all the rates collected up to a given date, those rates levied by improvement commissioners under the local Acts have always been omitted, have they not?—Certainly, up to the time of the Local Taxation Returns Act.

390. What was the first year when those returns were sent?—1861.

391. The model Acts of which you have spoken, in 1847 first provided for a certain uniformity?—Yes. Then in 1848 came the Public Health Act, which was an Act to be applied by a central authority, that is to say, by the General Board of Health, which was founded in that year, and that continued for ten years. Then came the Local Government Act in 1858, which is an Act no longer to be applied by the central authority, but to be adopted by the localities.

392. Is this the distinction between the Public Health Act and the Local Government Act, that the former could be applied by the central authority, where it appeared necessary to provide for the better arrangement and for the better health of the inhabitants; but that the second Act, the Local Government Act, can only be adopted voluntarily?—It can only be adopted voluntarily.

393. You have no power to apply the Public Health Act anywhere?—No.

394. Can you state to the Committee the rating provisions in those Acts; first of all, are the rating provisions in both Acts similar?—Except in minor matters, and except in one important particular, the rating provisions are similar. The rating provisions in the Public Health Act of 1848 provided for the levying of general district rates, and special district rates; by special district rate was meant a rate levied for special permanent works, as distinct from general district rates, which was a rate for current expenses.

395. The one rate, then, on which you are prepared to give evidence to the Committee, amongst the numerous rates that are generally, is levied

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the general district rate?—That is the largest rate with which I am familiar.

396. And under the Public Health Act there was also a special district rate, was there not?—Yes; but as it was found in practice that this involved considerable expense, and a great deal of trouble to local boards in keeping two sets of books, and as in many instances the special district rate, which was really a rate levied as security for loans, was levied over the same area as the general district rate, the only distinction being that the one was mortgaged for loans while the other was applied to the payment of current expenses—it was conceived better when the Local Government Act passed in 1858 to do away with the special district rate, and to give instead the power to local boards of dividing their districts for rating purposes, so as to render it necessary for them to keep only one set of books; and now, except where the special district rate has been mortgaged as a security for loans, and therefore has to be kept up with a view to the extinction of those mortgages, the special district rate is no longer levied; the only rate now levied by local boards for general purposes is the general district rate.

397. Which general rate, I presume, is levied over that class of areas which you described in the beginning of your evidence?—Yes.

398. Will you state the general purposes to which the general district rate is applied?—The general district rate is applied, or rather may be applied, to all the purposes of the Act except water supply and private improvement purposes. The general district rate is applied to sewage, to road repair in town districts, or may be applied to road repair of every district where they do not choose to levy a highway rate. It may be applied to the purchase of property for street improvements, to scavenging and cleansing, to the provision of markets, and to police purposes, in so far as they are dealt with by local boards; to paving and lighting, and street keeping, or preventing certain classes of nuisances in the streets.

399. Mr. *Gregory.*] Does the provision of markets include the purchase of them?—Yes; the purchase of existing market rights, or the erection of new markets; in fact, generally speaking, to all purposes of town improvement.

400. *Chairman.*] Are they generally very much the same kind of purposes as the borough rate would be applied to in boroughs?—Yes; or as the older improvement rates were applied under the local Acts.

401. Mr. *Gregory.*] To the purchase of gas works?—Not to the erection of gas works; there is no provision in the Act for that purpose. In some local Acts there is; and sometimes, as local Acts are administered by local boards, they have power to purchase, as the inheritors of the rights of the local improvement board; local boards can contract for gas-lighting, but they cannot purchase gas works or erect them.

402. *Chairman.*] Those are the general purposes of the general district rate?—Yes.

403. Can you state to the Committee how far the road repair comes out of the general district rate?—I may say that a local board is, by virtue of its office, the surveyor of highways by the Act of 1848, and they have continued so in towns wherein the highway rate was levied, that is to say, towns or boroughs not under local Acts; they repair the roads, sometimes out of highway rates, sometimes out of the general district rate. The distinction between the repairing roads out of the general district rate or out of the highway rate, is an important distinction, because the general district rates are levied only upon one-fourth of the assessable value of certain classes of property. Agricultural lands, docks, railways, market gardens, tithe rentcharges, which are enumerated in the Local Government Act, are assessable on only one-fourth of their net annual value to the general district rates; consequently in classes of districts which included town portions and country portions, the question of the repair of roads becomes one of great interest as between the inhabitants of the town on the one hand, and the farmers living round about the town on the other, and in every case there was a struggle to throw the repair of the roads upon the general district rates, because the farmers by that means became discharged of three-fourths of their net annual value. In calculating the assessment they were assessed on one-fourth, instead of their whole annual value.

404. Was it optional with the local boards to pay the cost of the repair of the roads out of the general district rate, or to levy a separate highway rate?—There was great doubt as to the law upon the question.

405. Was there a provision passed in a later Act to clear that point up?—In the year 1858, a special provision was made to prevent the struggle which arose in the case of districts which comprehended a town and a country portion. The 37th section of that Act provides for the present rating for highway repairs: "And whereas doubts have arisen as to the rate out of which the repairs of highways is to be provided for in districts under the Public Health Act, 1848, be it enacted, that in such districts or in districts where this Act is adopted, and where no other mode of providing for the repair of highways is directed by any local Act; where the whole of the district is rated to public works of paving, water supply, and sewerage, or to works for such of these purposes as are provided for in the district" (or, in other words, where the whole of the district is under a general district rate) "the cost of repair of highways shall be defrayed out of the general district rate." That is the first case, where you levy your general district rate over the whole district, and repair the highways out of it also. Then comes the second, where parts of a district are not rated to the general district rates: "Where parts of a district are not rated for works of paving, water supply, and sewerage, or for such of these purposes as have been provided for by rate in the district, the cost of the repair of highways in the same parts shall be defrayed out of a highway rate to be separately assessed and levied in the same parts by the local board as surveyor of highways, and the cost of such repair in the residue of the district shall be defrayed out of the general district rate." You see that is the second case, where you choose to limit your general district rate to a portion of your district; in that case you repair the roads in that limited portion out of the general district rate; the roads that lie beyond that you repair out of the highway rate. Then the third case is, "Where no public works of paving, water supply, and sewerage are established in the district, the repair of highways in the district shall be provided for by a highway rate to be levied over the whole district

trict by the local board as surveyors of highways."

406. Will you state to the Committee the theory of that?—The theory was this, as expressed in a note of my own compiling: "the question of highway repairs has given rise to more litigation and to more injustice in districts under the Public Health Act, 1848, than any other that has arisen in the working of that Act. The great point in dispute has been whether a local board have, or have not, the right to make a highway rate under the provisions of the 117th section, which vests in them all the powers, &c., of surveyors of highways, except in so far as the same are inconsistent with the Public Health Act. On this point, contradictory opinions have been given by successive law officers of the Crown, and decisions apparently contradictory have been pronounced by the courts of law. The question is of practical importance, because if local boards cannot make a highway rate, they must repair the highways out of general district rate. But general district rate is levied by the 88th section of the Public Health Act, on one-fourth only of the net annual value of arable, meadow, or pasture lands, woodlands, market gardens, nursery grounds, land covered with water, canals, towing paths, or railways. Hence, a great displacement of the burden of highway repair from land to house property. In some districts (as at Morpeth, where there are 40 miles of highway) this displacement is most serious, and it is the source of vexatious dispute in all districts, including a densely-inhabited or town area and a rural portion. The decisions on the subject of highway rate up to the last were consistent with each other, and appeared to lay down the law thus: In districts conterminous with areas over which, before the application of the Public Health Act, one highway rate was levied, a local board can levy a highway rate. In districts including areas over which, before the Public Health Act was applied, more than one highway rate was levied" (that would be the case of a district including two parishes or two townships), "the roads must be repaired out of general district rate; but, in a late case in which the Cardiff Local Board was a party against the South Wales Railway Company (and which is not yet authoritatively reported), Lord Campbell is said to have laid down, in general terms, that a local board cannot, under any circumstances, make a highway rate; this Act attempts to settle the law; two classes of districts are to be legislated for, town districts and semi-rural districts. In the former, it seems to have been considered that there is no injustice in repairing highways out of a general district rate, as there is no property but partakes in the benefits of the works for which these rates are levied, and no large amount of property liable to exemption from three-fourths of the rate as coming within the proviso to the 88th section; but in semi-rural districts, especially where agricultural occupiers and owners are in the majority, it is the frequent practice to limit the special district rate, which is that for town improvement, to the town, and yet to levy the general district rate, for highway repair among other purposes, over the whole district; so these rural occupiers pay on one-fourth only of the annual value of their premises. In this way they escape three-fourths of the burthen of highway repair without taking on themselves any part of the burthen of town improvement as a set-off; this enactment of the Act aims at correcting this injustice by providing that where a whole district is rated to works of town improvement, as paving, sewering, &c., a highway repair is to be paid for out of general district rate; but where the rate for town improvements is confined to the part of the district directly benefited by the improvements, or, in other words, when the rural portions of a semi-rural district are not burthened for town improvements, the repair of highways in such rural portions is to be defrayed out of highway rate to be levied on those portions; where no rate is levied for town works, highway rate is to be levied by the local board as surveyors over the whole district." It is a complicated state of things.

407. It comes to this, that if the rural portions escape paying the town improvements by the general district rate being limited to a certain part of the town, then you must levy a highway rate in order that that portion of the public improvement, namely, the highway by which the rural parish is benefited, shall be paid for by them on their full rateable value and not one-fourth?—Yes, that is the object of the law as it now stands.

408. Mr. *Birley.*] We were told that there was formerly a general district rate and a special district rate, but that special district rate is now discontinued; what is the difference between a special district rate and a general district rate levied over a part of a district?—There is really no difference, and that is the reason why special district rate is discontinued. The present Act gives power to local boards to levy a general district rate over part of their district. They can divide their district and make a separate rating for all or any of the purposes of the Act; it is practically the same thing, and for that reason we got rid of the term special district rate, because it involved two separate sets of books.

409. *Chairman.*] The substance has remained, but the name of the rate has been changed, is not that so?—Yes; the reason why the name was got rid of was that it was not wanted, and that it involved all the legal incidents of two rates, whilst really and truly it was only one rate.

410. The present system of rating, as regards those local boards, is this, is it not, that they can make any new sub areas they choose within their district for any purposes of the Act?—Yes, for separate rating for all or any of the purposes of the Act.

411. As far as you are aware, has that given rise to much heart-burnings and difficulties at those local boards?—I cannot say that I have heard of many heart-burnings or difficulties since this Act was passed; there were a great many before, but on the whole this seems to work a kind of rough justice; we have had comparatively few complaints.

412. If we look at your Local Taxation Returns, we find three columns; the first is the general district rate; the second is the special district rate, which you told us about, and the third is the highway rate?—I may say that that special district rate is kept up, because it is the security for certain loans, and therefore it is obliged to be kept up in name, although it is not levied, except in name.

413. You mean that it is only levied in name where loans have been contracted, for which the special district rate has been pledged?—Yes.

414. Would

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414. Would not a portion of the repair of the highways be under the column of general district rate, whenever those repairs were paid out of the general district rate?—Quite so.

415. And the highway rate is only entered separately, where it is levied separately?—Quite so.

416. If you were making a statement of the whole of the cost of the highway in the kingdom, you would have to take, would you not, that same portion, if ascertained, out of the general district rate?—Yes.

417. I mean that a portion of the general fund of the district is applied to highway repairs?—Quite so; I may say that that would be also the case under the old state of things, where towns were governed by Private Improvement Acts, because in no case where a Private Improvement Act was in force, was there a highway rate levied, so that the repairs of the suburban streets and so on, which were included in the Improvement Acts, were paid for out of the rates; under those Acts the cost of these repairs was not included in highway returns made to the Home Office. They were essentially highway repairs, yet they were not included technically under that name, and this answers to that case.

418. So that it would not be possible to bring together the total cost of the repair of the highways all over the kingdom, because a portion of the repair would come under the general district rates?—Yes; the only way that you could get at that would be by taking the returns of each town, and taking out that which is paid for under that particular head, it would be a laborious matter, but it would be possible; in fact, the full returns that are made to us by the towns do include that; every town publishes its accounts every year, so that by taking that out of the accounts you could pick it out, but it would be a labourious process.

419. There are about 674 local boards in the country generally, are there not?—Yes.

420. I believe you have nothing to do with the metropolis?—No; those are outside the metropolis.

421. The vestries and district boards of the metropolis are not under the Local Government Act Office?—No.

422. In fact they are not under anybody?—No; nothing in London is under anybody. It is a remarkable fact that those functions of superintendence that the Home Secretary exercises over all municipalities he does not exercise in London. The only functions he exercises in London are what seems to be properly municipal functions, as regards cabs and so on.

423. Mr. *Fielden.*] Where the local board of a district has formed any portion of the parish or township into a separate highway board district, the whole of the roads in that parish come within the control of the local board, do they not?—Yes, they may be brought under the Act if they do not put themselves entirely out, for every portion of a parish is included, for purposes of road repair, in the local board district, by the inhabitants, unless a public meeting determine otherwise. They could not have been included in the highway district before, but they can now.

424. *Chairman.*] You have stated it incidentally, but will you state fully to the Committee the mode in which the general district rate is levied?—A general district rate is levied upon occupiers in all cases, with certain specified exceptions.

425. You do not mean for private improvements?—No, I am speaking of the general district rate.

426. Will you state the exceptions?—The exceptions, if I may say so, are optional, that is to say, the owner, instead of the occupier, may be rated, at the option of the local board, in cases where the rateable value of the premises does not exceed the sum of 10 *l.*, where the premises liable to assessment are let to weekly or monthly tenants, or where they are let in separate apartments, and where the rents are payable at shorter periods than quarterly.

427. On what species of property is the general district rate levied?—On all kinds of property liable to poor rate.

428. It is levied, is it not, on what is called the poor rate basis?—Yes; but there is a power of new valuation and assessment.

429. Is that power, to your knowledge, often exercised?—No; I should say but rarely, as far as I know.

430. Was that provision introduced into the Public Health Act for the first time, which enacts that certain kinds of property should only be rated at one-fourth, or was it taken from old private Improvement Acts?—As a general provision it was for the first time introduced into that Act, but similar provisions existed in a great many local Acts. There was hardly any local Act but had some kind of exemption.

431. The idea, I presume, was this, that there was a certain class of property that did not benefit so much by this expenditure as other classes?—Yes. I have always contended against that view; I have always taken a different view myself, but that was the idea, no doubt. Of course the notion which determined those exemptions was, that those rates were for the benefit of property. I have always held that those rates were for the benefit of populations, and that everything that tended to amass populations in large bodies ought to be rated. For example, a manufactory brings together a great number of people, and brings together a class of people that render this class of rates necessary, yet the manufactory is not benefited by the sewage rate or water rate so much as the inhabitants.

432. But the manufactory would be rated in full, would it not?—Yes, it would be rated in full, as a matter of fact.

433. Even if it were lying in an outlying part amongst market gardens?—Yes, it is rated, or the building is rated, to its annual assessable value; it is the same as it is for the Poor Laws.

434. Mr. *Birley.*] I do not quite understand your statement, that you think all property should be rated alike, seeing that the assessment is not upon the property, but upon the occupier; for instance, you would not rate a farmer for the lighting up of the village or for the sewering of the village, to the full extent of his holding?—I do not know whether the occupier or the owner is to be rated, but I do not see why the property which brings together the village and creates the necessity for the rates of the village should not be rated for the needs of the village. I look upon those rates as for the benefit of the village, and not for the benefit of the houses in the village.

435. Mr. *Acland.*] Would your answer not be qualified a good deal by the size of the district; supposing some of the agricultural land to be five miles

miles off the centre, that would make a great difference, would it not, compared with land close to the town?—If the labourers who worked that agricultural land lived in the village it seems to me that the farm ought to be rated, but supposing that the property did not contribute to the needs for which those rates were levied, then clearly that property, on my principle, ought to escape.

436. Mr. *Wheelhouse.*] Has every corporate town a local board of health committee?—Every corporate town that has adopted our Act has; the greater number of boroughs have done so.

437. *Chairman.*] I find that after the highway rate, that there is another rate called the private improvement rate, which is also levied by local boards; can you state what that private improvement rate is?—That is a rate imposed for improvements that conduce to the benefit of a particular set of premises, as for instance, the plant for the water supply to a private house; that is to say, the pipe and the tap and all that brings the water from the main to the house, or the pipes that communicate from the house with the sewers or the watercloset arrangements of the house.

438. Have you a private water supply rate extra, or does that apply to private water supply also?—No, the water rate is for current cost of water supply, but the private improvement rate would be levied for the plant—the tap, and the connecting pipe.

439. How is the private improvement rate levied?—The private improvement rate is levied also upon the occupier; but he may deduct three-fourths of it from his rent.

440. Could you put your hand upon the clause under which that is done?—It is clause 90 of the Public Health Act of 1848: "And be it enacted that whenever the Local Board of Health have incurred or become liable to any expenses, which by this Act are, or by the said Local Board shall be, declared to be private improvement expenses" (I may say that certain things are declared to be private improvement matters by the Act), "the said Local Board may, if they shall think fit, make and levy upon the occupier of the premises, in respect of which the expenses shall have been incurred except in the cases hereinafter provided in addition to all other rates, a rate or rates to be called private improvement rates, of such amount as will be sufficient to discharge such expenses, together with interest thereon, at a rate not exceeding 5 *l.* in the hundred, in such period not exceeding 30 years, as the said Local Board shall in each case determine;" that is to say, they may repay that rate within a maximum of 30 years. Then there is a proviso, "That whenever any premises, in respect of which any private improvement rate is made, become unoccupied before the expiration of the period for which the rate was made, or before the same is fully paid off, such rate shall become a charge upon, and be paid by, the owner of the premises, so long as the same continue to be unoccupied." Then the next clause 91 goes on to say, "That if the occupier, by whom any private improvement rate is paid, holds the premises in respect of which the rate is made at a rent not less than the rack rent" (that is in all rack rental premises), "he shall be entitled to deduct three-fourths of the amount paid by him on account of such rate from the rent payable by him to his landlord, and if he hold at a rent less than the rack rent he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the rate as his rent bears to the rack rent; and if the landlord, from whose rent any deduction is made under the provision last aforesaid, is himself liable to the payment of rent for the premises" (that is where he holds under a superior landlord), "in respect of which the deduction is made and hold the same for a term of which less than 20 years is unexpired but not otherwise, he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him." It reads very complicated, but it is not really very complicated; it is intelligible enough.

441. Could you state the theory?—The theory of it is that the rate is levied for the improvement of special premises, and therefore ought to be paid in a large proportion by the owner of the premises, as the occupier has only a limited benefit out of it; and although a great many successive occupiers may have a current benefit out of it, represented by the one-fourth, yet the owner is the person who should pay the bulk, represented by the three-fourths.

442. This is a curious provision, that the owner is to pay if the premises are unoccupied; to your knowledge, is not that one of the only cases in legislation where rates are paid on unoccupied occupation?—In all general district rates where the owner can be called upon to pay, that is, in rates upon premises of small value, if the owner chooses to compound, he may compound for unoccupied as well as occupied premises; that is to say, he may make a general composition, but then a lower rate is charged, and he pays as composition upon one-half of the value.

443. In this case the owner has no option and no allowance, and if the premises are unoccupied he must pay the rate notwithstanding?—Yes, he must pay the rate.

444. Mr. *W. H. Smith.*] Does it not appear that this is an expenditure incurred by the local board in order to make the premises more valuable and capable of being occupied?—Yes.

445. It is an advance, by the local board, of capital in the interest of the owner, in order to make the premises tenantable?—Yes, they may, if they like, levy the same charge in the shape of what is called private improvement charges, and call upon the owner to pay it off at once.

446. *Chairman.*] Will you state what is meant by private improvement charge?—Private improvement charge is in respect of the same class of improvement as the private improvement rate may be levied for; and it is at the option of the local board to levy the cost of those improvements in the shape of a private improvement rate on a private improvement charge. If they levy it in the shape of a private improvement charge they can go to the owner at once and recover summarily from the owner.

447. Will you read the clause about the private improvement charge?—There is no separate clause; it is in different clauses. After declaring what special improvements may be charged for in this way, it says that they shall be private improvement charges and may be recovered summarily; for instance, there is the cost of the erection of a watercloset and of an ashpit after notice to the owner. That is declared to be a matter which may be paid for as private improvement expenses. Then there is the cost of cleansing

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cleansing, altering, or amending drains, cesspools, ashpits, or privies; the filling up or cleansing or arching over of ponds, pools, ditches, and sewers; and then there is the cost of paving and repairing private streets. All those matters are matters, the cost of which may be recovered summarily from the owner as private improvement charges, if the local board do not choose to charge for them by private improvement rates.

448. That is to say, they may be charged in one sum?—Yes.

449. Those private improvement rates have not been levied to any large amount, have they?—Yes, I think, to a considerable amount, although, perhaps, not to a large amount in comparison with other rates.

450. Are they 150,000*l.* over the whole of the United Kingdom?—No, the private improvement rates are not above 39,000*l.*, according to our last return. It may be 50,000*l.*, including omissions, but not more.

451. So that it is not a large amount?—No, compared with the rest, it is not a large amount.

452. This would probably be included in your other receipts?—Yes.

453. Probably you would not be able to analyse them without going through the whole 674 boards?—No.

454. Have you considered at all the question of how far a proportion of the general district rate might be put upon the owner?—The theory, I fancy, of the general district rate is, that it is charged for works, and the general rule for heavy and costly works is, that they are paid for out of borrowed money. The usual plan is to borrow upon mortgage the general district rates, that is to say, to borrow the sum required to pay the first cost of the heavy local works, like sewers or waterworks, or so on; then the repayment of that is distributed over a certain time, the maximum in ordinary cases being 30 years; but where it exceeds the assessable value of the premises chargeable, it may be extended to 50 years. It is supposed that the value of those works is defrayed during this term, and that the portion which is paid by the occupier each year does not more than represent the benefit which he derives from the improvement; so that, in point of fact, the value of those improvements is discharged during the term that the loan runs, and that the occupier does get a benefit each year which is represented by the rate which he pays, and there is nothing really left for the owner to pay.

455. Then the owner gets back his property at the expiration of the term, the occupier having paid in the meanwhile for the improvements?—Yes, but I mean to say, that those improvements are general improvements; they improve all properties certainly, but not in the sense in which the private improvement expenditure improves a particular property.

456. Take the case of a new street being built in a town; that would be done out of the general district rate, would it not?—It might.

457. And take the case of that street taking five years to complete, and an occupier who has got a five years' lease; he would pay his instalments for the works that were going on for five years, and he would get no benefit out of the street at all at the time when it was completed, because he might be turned out of his holding at the end of the five years?—Yes, such a case might easily exist, no doubt.

458. And, no doubt, exist to a very considerable extent?—Except that there are very few cases of people holding town property in that way. It is true it might be the fag end of a lease.

459. I mean that no public improvement could be made but what a number of people would be touched probably in that way?—Very probably.

460. May you state it in this way, that there are improvements which improve the value of the property, and there are other works that are undertaken which rather represent some burden that must be borne?—Yes; quite so.

461. And that burden would be borne by the occupier exclusively according to this system?—Yes.

462. Would you see any objection to levying the rates for what you may call the more permanent parts of the purposes to which the general district rate is applied, partly from the owner?—I should expect if you did that, they would get it back from the occupier in some shape or other.

463. At the expiration of the leases, or in some increased rent, do you mean?—Yes. The owner always has it in his power to throw it upon the occupier in the shape of increased rent.

464. Would not competition check that?—You can form as good a judgment as I can upon that point; it is a matter upon which every one can form his own opinion.

465. Sir *James Lawrence.*] With regard to the case of a house where the lease is terminating, and has five years to run, where the improvement rate is paid by the occupier during that five years, during the progress of the improvement you admit that in that case the occupier would pay the whole rate without having any advantage from the improvement?—Yes.

466. In a case where there was no lease, but an ordinary tenancy at will, for example, would not the same thing prevail?—He pays only his portion; he would pay it some time or other. Supposing a yearly tenancy, the tenant would be paying his proportion each year, but the benefit would be only inchoate, it would not inure to him if the work was not finished.

467. The benefit, in fact, would revert to his successor?—To the last man who came into the property when the improvement was completed.

468. Sir *Massey Lopes.*] If those improvements are spread over either 30 or 50 years, and the tenant gets during that time so much greater convenience or comfort from them, do you consider it any great hardship that the occupier should pay his proportion of the capital and the interest during the progress of that work?—No, I do not myself think so.

469. Do you consider that it would be any benefit to the occupier if the owner, instead of the occupier, paid the rates for those improvements?—I have already said that I think he would contrive to get it out of the occupier, and that ultimately the occupier would pay it.

470. So that there would really be no benefit to the occupier by such a change?—No.

471. *Chairman.*] If, during the existence of the lease, some new public work were to be undertaken, and that work were to be paid for, partly by the owner and partly by the occupier, would not it be better for the occupier than if the occupier had to pay the whole during his lease?—Certainly it would seem to be so on the first blush; but it is not very easy to answer the question

question as to the incidence of the benefit, really and truly.

472. Will you tell the Committee about the water rates which are levied by the district board?—They have power to levy a water rate for the actual supply on particular premises as a private company does; but, besides that, where they provide water, there is a very serious matter, the large outlay involved in first bringing the water into the town, in the first cost of the works; those are generally constructed out of the general district rates, money borrowed on the security, and then what is paid in the shape of water rate is the current expense of the water supply; the first cost of the water supply being paid out of the general district rates.

473. Who is it that pays it, the owner or the occupier?—It is thrown on the occupier.

474. Do I understand you to say that the great works for bringing water to a town would be paid out of the general district rate?—Yes, it would be paid out of the general district rate; that is to say, out of loan contracted on the security of the general district rate.

475. That which is most distinctly a permanent improvement, and which will last for generations, is still paid for by the occupiers at the time?—I suppose even with waterworks, the expenses of repairs, and all things considered, the theory has been that those works do not really endure for more than a certain time.

476. I see that the water supply would fall under three heads; partly it would be paid from the general district rate, partly from the public water supply rate, and partly from the private water supply rate?—Yes.

477. Having stated what is paid out of the general district rate, will you state what is paid from the public water supply rate, and from the private water supply rate?—Out of the public water supply rate you would provide for such purposes as the flushing of sewers, public sources of water supply, such as troughs or cisterns, and any sources which were accessible to the public without payment; or if you provide baths and washhouses you might charge a proportion of them on the public water rate. If there had been already in the town any sources of public supply you are allowed to provide other sources of supply in lieu of the existing ones, and all those you would pay for out of the public water rate; drinking fountains and water supplied without charge to individuals, and also hydrants for the extinction of fires, and so on; all those public purposes would be charged out of the public water rate; what is charged for in the private water rate is the supply to dwelling houses, or to shops, and manufactories.

478. Has the water been supplied in a very large number of local boards out of the general district rate?—Yes, and the practice is increasing; certainly the tendency has been very much for local boards to get into their own hands the works of water supply, and in a great many cases to buy up existing water companies.

479. In a district where the water is supplied by the general district rate, do the inhabitants of the town get their water gratis, except so far as they contribute to the general district rate, or do they pay for the water separately?—They pay their water rate, which water rate is lighter than the water rate generally levied by a company, because the first cost has been paid out of the general district rate.

480. When you say that they pay their water rate, would that figure amongst the other receipts?—Yes, it is entered of course under a separate head, but it goes into the hands of the local board.

481. The works are paid for out of the general district rate, but everyone must pay afterwards for the supply, according to the amount that he uses, the same as to any private company?—Yes, the mode prescribed in the Public Health Act, was by a rate charged according to the rental of the houses; but that, in many cases, it has been contended, was an unfair mode of charging, and did not represent the real rate of consumption; and in consequence, power has been given to make what are called water charges by agreement, instead of water rates.

482. To sum up this part of the case, the rates about which you have given information to the Committee, are the general district rate, the highway rate, the private improvement rate, the private water supply rate, and the public water supply rate?—Yes.

483. Do you know of any other rates connected with your department, which would be of sufficient importance to state to the Committee?—I think not. In some cases the local boards are burial boards, and then they levy a burial rate on the same principle as they levy the general district rate, but that is probably not of sufficient importance for the Committee to go into, and there also may be local boards that carry out the Baths and Washhouses Act, in which case they might include the charges of that Act in their general district rate, but they would not levy a separate rate for that purpose.

484. Will you mention to the Committee what is the constitution of a local board?—It is elected by a scale of rating with plural voting. The 20th section of the Public Health Act of 1848 says—"At every election the ratepayers in respect of property in the district or part of a district for which the election is held, and the owners of such property, shall be entitled to vote according to the scale following; that is to say, if the property in respect of which the person is entitled to vote be rated upon a rateable value of less than 50 *l.* he shall have one vote, if such rateable value amount to 50 *l.* and be less than 100 *l.* he shall have two votes, if it amount to 100 *l.* and be less than 150 *l.* he shall have three votes, if it amount to 150 *l.* and be less than 200 *l.* he shall have four votes, if it amount to 200 *l.* and be less than 250 *l.* he shall have five votes, and if it amount to or exceed 250 *l.* he shall have six votes." And the owners vote on the same scale; but an owner who is also *bonâ fide* occupier "has votes in both capacities, so that he may have 12 votes; a man who occupies his own property up to a value of or above 250 *l.* has 12 votes. Then of course it may happen that properties are divided. For instance, there may be more than one vote for property held in joint ownership to the amount of 50 *l.* If there is a joint ownership in property to the amount of 50 *l.* two votes might be given, because the property would be presumed to be held in equal proportions, and each ratepayer would have one vote. In point of fact, if there were six people interested in one property below the value of 50 *l.* there would be six votes in respect of that property. Small property held by many owners gives a great many votes.

485. Is there any limit to the sub-division?—No, not in that way. If there were 20 people interested

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interested in property below 50 *l.*, and they could only prove that they were interested in it, each would have a vote, so that there would be 20 votes in respect of that property; and that is because the lowest limit is anything below 50 *l.*, so that 1 *l.* gives a vote.

486. Mr. *Rathbone.*] But if the property is over 50 *l.* you must have 50 *l.* for each single vote?—Yes. £. 100 only gives two, so that two people might have it; that is to say, each might have one, whereas below 50 *l.* you can get any number.

487. *Chairman.*] Will you state the qualification of those who are elected to the local boards?—They may be qualified either as owners or as ratepayers. If they are in a district below a population of 20,000 they must be qualified as ratepayers on 15 *l.* value; and above that population on 30 *l.* value.

488. In a small place, where the population is less, the qualification is lower?—Yes, the qualification is lower in the case of ratepayers, and so with owners; they must have in the smaller class of places, *i.e.*, in places of above 20,000 inhabitants, 500 *l.* property; and in the larger class 1,000 *l.*

489. There is no certain number of owners elected to those boards, is there?—No, there is no certain proportion of owners and ratepayers.

490. The qualification for an owner is higher than the qualification for an occupier?—That is so; the property qualification is naturally higher.

491. But 1,000 *l.* you may take to represent say 50 *l.* a-year or 40 *l.* a-year?—Yes; according to the class of property, house property, or anything else.

492. Therefore an owner under 40 *l.* might be excluded whilst the qualification for an occupier was only 20 *l.*?—Yes. I will give the exact qualification: "No person shall be qualified to be a member of such local board unless he is at the time of his election, and so long as he shall continue in office by virtue of such election, resident within the district for which, or for part of which he is elected, or within seven miles thereof, and is seised or possessed of real or personal estate or both, to the value of not less than 500 *l.* in districts containing less than 20,000 inhabitants, or to the value of not less than 1,000 *l.* in districts containing 20,000 or more inhabitants, or rated to the relief of the poor of such district or of some parish within the same, upon an annual value of not less than 15 *l.* in districts containing less than 20,000 inhabitants, or on an annual value of not less than 30 *l.* in districts containing 20,000 or more inhabitants."

493. So that in their qualification the two are intended to be on a par?—I suppose that was the notion.

494. But a non-resident owner would not be able to be elected?—He must be resident in the place or within seven miles of it, but his property need not be in the district. If he is elected on the ratepaying qualification, his property must be in the district; but if he is elected on the property qualification, the property need not be in the district, provided he himself is resident there.

495. Are there in any local Acts, with which you have become acquainted, any provision for the direct election of owners as distinguished from occupiers?—As far as I know, the first Act which ever placed the owner on the same footing as the ratepayer, both with regard to voting at elections and with regard to being elected, was this Act of 1858. We, for the first time, recognised a distinct right in owners as distinct from occupiers; they have a right, for instance, in all memorials to the Secretary of State upon which appeals are founded. The owner figures in all the memorials which convey the consent of districts to incorporation in local boards, and in all petitions for Provisional Orders, and everything of that kind, the owner's right is recognised by the side of the ratepayer's.

496. And on equal terms generally?—Generally on equal terms.

497. Sir *Massey Lopes.*] You have stated to the Committee that the poor rate is the basis of this district rating; are the different objects for which this district rate is levied placed upon the paper which is given to each of those ratepayers and the poundage also?—There is an estimate of the rate published.

498. Is that estimate of the rate published by the local board?—Yes, it is published by the local board, and it corresponds with what is called the title of the poor rate; the rate is not legal without it, and that is put upon the church-doors.

499. Has each ratepayer any means of knowing the poundage which he has to pay for the different objects?—He would have the means by going to look at that estimate.

500. That is a general estimate in the lump?—But at so much in the pound; there is a column which states that.

501. Does the paper which demands the rate specify the different purposes and objects of the rate, and the poundage for each of those purposes?—There would be only one heading, one amount, I presume, in the demand note it would demand for general district rate; if there were separate rates or a highway rate then they would be put in, but the general district rate would comprehend a number of different purposes.

502. How are those accounts of the local boards audited?—They are audited in boroughs by the borough auditors, in the same way as the borough accounts, which I believe is a very deficient audit indeed; I believe that there is nothing which requires improvement more than the auditing of borough accounts; in districts which are not corporate they are audited by the district Poor Law auditor, who is an independent officer, and, I believe, as far as I know, that is the only efficient audit.

503. Do you know that he does that?—I know that practically, by the number of surcharges that are made, and the number of appeals from surcharges that come up to us.

504. Are those accounts ever published?—They are published in the local papers: they are bound to publish them, and they are bound to make a return to the Home Office. You will find that every year the accounts of boroughs are published in the local papers.

505. In a lump sum, but not with any particulars?—Yes, a regular budget, in fact.

506. Are those accounts sent up to you as the head of that department?—Yes, the copies of them are sent up to us.

507. *Chairman.*] Is this not the fact, that in your annual lists of the local boards there are a number that make no returns?—Yes, that make no returns under the Local Taxation Returns Act.

508. Is it a fact that there are nearly one-half who have made no returns in past years?—A great

great many have neglected it, and it is very difficult to compel them, but we are gradually getting them to make the returns more carefully. By the 76th section of the Local Government Act it is enacted, "Every local board shall make an annual report, in such form and in such time as the Secretary of State may from time to time direct, of all works executed by them during the preceding year, and of all sums received and disbursements made, under and for the purposes of this Act, and publish the same in some newspaper circulating in the district, and shall send a copy to the Secretary of State."

509. Are you of opinion that that is regularly done?—We know that it is neglected in certain cases, but we know also that it is done in a great many; I may mention that in the last return that I published, which is based upon those returns, out of 674 local boards 254 were defaulters.

510. Through what office do the returns come?—They are returned to the Home Office; the Home Office has now determined to put the law in force against those defaulters, and probably if two or three conspicuous boards are made to pay the penalty, we shall have much greater regularity in their sending them up.

511. What is the penalty?—I think it is 20 *l.* under the Local Returns Act; but then the penalty comes out of the rates, I suppose, and that is a hard thing; I scarcely know how that is practically, but I should be afraid so. As I tell you, no instance has happened of our proceeding for those penalties; but there is a difficulty in punishing the local board, unless you specially provide that the penalty shall not fall upon the rates.

512. Mr. *W. H. Smith.*] Would it not be possible for the auditor to disallow that item?—I should think he might do so; as yet I do not know of a case, because I am not aware that the penalty has been proceeded for.

513. Sir *Massey Lopes.*] Does not the owner under a certain amount pay the poor rate in most of those boroughs where the local boards are constituted?—Yes, where the Small Tenement Rating Act is in force.

514. But it is now compulsory in all large towns, is it not?—That is the case under the Poor Rate Allowance and Collection Act of last Session.

515. Does it hold good with regard to this district rate too; does it fall upon the owner necessarily?—No, it is at the option of the local board, even in houses below 10 *l.* value; but I imagine that, as a matter of fact, they generally exercise that option, and charge the owner of houses under 10 *l.*

516. Do you think that the owner pays the district rate as well as the poor rates?—I have no accurate information on that point, but I judge that that is so, from the letters that I receive.

517. Mr. *W. H. Smith.*] You stated that there is a power of subdivision under the district rate, for separate rating; is that exercised to any considerable extent?—I think it is; I think it is often resorted to.

518. So that localities being part of a large district, separately interested in a particular work, are now rated separately?—Yes, in some; I can only judge of what goes on by my correspondence; I am frequently asked about the exercise of that power, and have to point it out to local boards.

519. You expressed a strong opinion, did you not, as to the justice of the present principle of charging the occupier with the rate for improvements under the district rate?—I do not know whether you would call it a strong opinion; on the whole, I do not see that it is unjust to charge the occupier.

520. On the whole, are you of opinion that the occupier's interest is equal to the charge which is imposed upon him?—Yes, as far as I can judge.

521. Of course there must be occasional hardship, but on the whole you think that it works favourably?—Yes, on the whole; I have not been made to feel the injustice of it, as a general principle.

522. Are you aware that it is usual in many leases for the lessee to covenant to pay all the rates and taxes, excepting the property tax?—Yes.

523. So that even if the rate were to be divided between the owner and the occupier such a covenant might override that arrangement?—Yes; there is a special provision for those cases in the Public Health Act, section 97: "Provided also, and be it enacted that nothing in this Act shall alter, interfere with, or affect any lease, contract, or agreement which shall have been made or entered into between landlord and tenant before this Act is applied to the district in which the premises are situate, in respect of which the lease, contract, or agreement was made."

524. Then am I to understand that if any contract is made since the Act has been applied to a district, the application of the Act would override the contract?—I apprehend that it would; I apprehend that you could not make a contract in violation of the Act.

525. Then is it your opinion that it is not open then to an owner to make a contract with an occupier under a lease, by which any portion of the rates chargeable upon the owner under that Act shall be defrayed by the occupier?—That is my impression; the fact has not specially been brought to my notice, and I should not like to be bound absolutely to that answer. Perhaps you will just allow me to withhold my answer upon that point, because it is one that I have not had immediately under my consideration, and I am not quite clear upon the point.

526. The private improvement charge is the only rate which is really imposed upon the owner at the present time, is it not?—Yes, I think so.

527. With regard to the constitution of local boards, are you of opinion that the system works well?—Like everything else that works locally, that depends upon the men into whose hands it falls. With a good chairman and a good clerk it works very well; with a good clerk or with a good chairman it works tolerably well; but with a bad chairman and a bad clerk I do not think it works well at all.

528. Does the system tend to give you a good chairman and a good clerk, and does it on the whole work well?—As well as any local system that I am aware of.

529. Is there any complaint against the operation of Sturges Bourne's Act?—No; on the contrary, I believe that that is the best provision in the Act; I think plural voting is the safeguard of the Act; and, whatever deficiencies there may be in working it, if you had not plural voting there would be very many more. Great difficulty

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is found with regard to the working of the Act from the collision between the small ratepayers and the large ratepayers. The anxiety of the small ratepayers and owners is to escape all outlay; money being a very serious thing to them, they are apt to disregard all considerations for one, namely, the pressure of rates.

530. Really, is it not in the interest of the small ratepayer that there is this private improvement charge, which means an advance on the part of the local board of capital necessary to make the premises tenantable?—Yes.

531. Colonel *Brise.*] I think I understood you to say that under the Assessed Rates Act of last year, it was compulsory on the owner to pay the rates under a certain assessment; can you tell me how far the Assessed Rates Act has been put in operation?—That I have no means of knowing. The Poor Law inspectors would be the only people to tell you that.

532. *Chairman.*] That Act did not apply to your department?—No.

533. Colonel *Brise.*] You have stated that if the rates were put upon the owner he would get it back in the increase of rent; would not the effect of that be that the owner would have to pay increased taxation on that amount; he would pay increased income tax and house tax, and other taxes, in all probability, upon the increased rent, and if the rent should be taken as the annual value in the rate book, would not he also pay increased rates?—No doubt it would tend to that, and that would have to be considered.

534. Mr. *Fielden.*] With regard to this general district rate, can the local board, without the consent of the owner, levy the rate upon him under 10 *l.* rental?—The local board can do so; it is at their option.

535. And without his consent relieve the occupier?—Yes; they can, at their option.

536. Sir *James Lawrence.*] Do I rightly understand from you that the local boards have generally the power of determining as to incidents of taxation, whether the owner shall pay it or the occupier?—Only in the case of property below 10 *l.*

537. With regard to the proportion of owners to occupiers upon the local board, have you any means of knowing usually what the proportion usually is?—No, it is quite uncertain and irregular. I have no reason to suppose that there it is anything like a fixed proportion.

538. I gather from you that you are of opinion that no matter upon whom the rates might be placed, the owner would manage to transfer them to the tenant by increased rent?—I think that the rates will always be made to fall sooner or later upon the occupier.

539. Mr. *Seely.*] You state that a special rate can be levied on a part of a district; have the people in that part of the district any voice in the matter, or is it entirely at the discretion of the general local board?—Entirely at the discretion of the local board.

540. The local board can divide a district and put a special rate on part of that district without the people in that part having anything to say whatever in the matter?—Yes.

541. *Chairman.*] Is there any appeal to the local government office against it?—There is no appeal against the incidence of a special district rate. There is an appeal against private improvement charges.

542. Mr. *Seely.*] Supposing the people of any part of a district wished to levy a rate upon themselves, have they any power of doing it?—Not except through the local board; that is to say, no legal rate can be levied except through the local board.

543. You say that the local board can levy a charge upon a particular house, is there any limit to that charge?—No limit absolutely imposed by the Act.

544. Therefore they could levy a very large amount, could they not?—Yes, they could absorb the value of the house. Such a case is conceivable.

545. Mr. *Gregory.*] The basis of your assessment is the same as the poor rate, is it not?—Yes.

546. Is that the case with respect to minerals and mines?—There is no distinction; all classes of property that are assessible to the poor rate are assessible to our rate.

547. You are probably aware that mines are not assessible to the poor rate?—Yes, and the local board would be under the same condition in levying their rate.

548. Are you aware that under some special local Acts mines are rateable now?—I think I have heard of cases of mines having been made rateable.

549. With respect to the one-fourth of the general district rate on agricultural lands, as I understand you, where the roads are repaired out of the general district rate, you only levy one-fourth of that rate upon the agricultural district?—Upon the agricultural land.

550. Where the roads are not repaired out of the general district rate, there you levy the highway rate upon the agricultural land?—Yes.

551. Therefore that one-fourth is some rough estimate of their contribution to the general district rate in respect of the highways?—I should rather put it in this way, that the payment of one-fourth only is a representation of the set off which the farmers are entitled to in consideration of their paying towards the town improvement. Where farmers pay the general district rate a large portion of that general district rate is absorbed by the improvement of the town, and therefore it is considered fair that they should be exempt from the cost of road repair on three-quarters of their assessment value in consideration of their paying a proportion of the expenses of the town improvement.

552. But they only pay one-fourth of the expenses of the town improvement, including in that the repair of the highways?—Yes, that is so; but then the whole is thrown into one sum, and they pay one-fourth only. If they pay nothing for town improvements they pay on their full value to the highway rates, because they are exempt from the rest of the rates.

553. You take this one-fourth on the general district, as a sort of equivalent, do you not, for what would be the highway rate under other circumstances?—It was not so fixed.

554. I mean that as the equity of it?—Yes, that is the sort of rough justice of it.

555. Did I rightly understand you to express an opinion that rating was for the benefit of population and not of the property?—That has always seemed to me to be the sound theory of it.

556. Are you aware how manufactories are rated under the Poor Law and under your assessment?—Yes.

557. They are rated, are they not, by the engines

engines and plant upon them?—I believe so; I do not know, as a matter of fact, what the principle is.

558. They are rated, are they not, on the footing of what a solvent tenant would give for them, including the fixtures of those premises?—Yes.

559. You are probably aware that there are some large trading premises that are not manufacturing premises, which are rated upon the bare value of the tenements?—Yes.

560. Is that a correct principle, in your estimation?—I cannot see that it is.

561. You have been asked as to the powers of the board to make a street for instance, and to throw the expenses of it upon the occupiers within a limited period, say five years; would the board under the Act have the power to undertake such a work as that?—They have power to construct new streets by consent.

562. But not taking lands compulsorily?—By consent of three-fourths of their number, and with the sanction of the Secretary of State.

563. That I think must be with the assent of the owners, must it not?—No, not a new street; if they are taking a private street, and turning it into a highway, they must have the consent of the owners.

564. But can they take land compulsorily?—They can buy land compulsorily for the purpose of constructing a new street, with those consents; or of unpaving existing streets without them.

565. The parties that would be liable to this rate would be the parties that would undertake its construction, would they not?—It would be the local board that would do it; the local board are the representatives of those who pay the rates.

566. And they have borrowing power under the Act by which they might pay for it?—Yes.

567. Then, I suppose the contingency is, that they would be assessing themselves for the rate necessary for raising the money by borrowing?—In all cases of such work, as far as I know, they do it by borrowing.

568. Have you never known an instance of its being done by a rate?—No; the borrowing extends over 30 years.

569. *Chairman.*] Can they borrow without your sanction?—No.

570. Mr. *Gregory.*] In any instance that you know of permanent work, it has been constructed with borrowed money?—Yes, that is so.

571. Mr. *Birley.*] You say that in the case of private improvements, the expense might either be levied upon the occupier as rates or recovered summarily of the owner in one sum?—Yes.

572. Is it not at the option of the board, whatever the cost may be, and have they not the power to compel immediate payment?—Yes, they have that power, subject to appeal to the Secretary of State.

573. Is there any general Act of Parliament that lays down the principle of assessment for local improvements to show what property may be assessed; or does it depend, practically, upon the poor law assessment, with such variations as have been introduced by special Acts?—The assessment generally is governed by the poor law statutes; there is no special Assessment Act for the purpose of those statutes.

574. But under the poor law assessment it varies, as in the instance of one-fourth for market gardens and for farm land, and as in the case of unoccupied premises being liable?—Of course, this Act contains special rules with regard to rating; special rules which govern the rating under that Act are contained in the Act itself; but, except in so far as this Act varies the principles of poor law assessment, they may be said generally to govern the rating.

575. You are now referring to the Public Health Act of 1848?—Yes, the Act of 1848 contains most of the rules as to rating, but they are varied by the Act of 1858 in certain particulars.

576. Mr. *St. Aubyn.*] The answer that you gave to the first question of the honourable Member for Sussex relating to mines, referred, I presume, to coal mines?—Coal mines; and I believe possibly there may be some local cases of iron mines or other mineral mines.

577. You do not wish the Committee to understand that mineral mines other than coal mines are rated?—No; our Act rates all property liable to the poor rate, therefore that class of questions to which your query relates arises under the poor rate, and not under our Act, which is governed by the poor rate.

578. You were asked a question with regard to the working of local boards under the Local Government Act; have you ever heard of local boards coming into collision with assessment committees with regard to valuation?—I have occasionally heard of it, but it has not been prominent; it is not a subject that I have had much correspondence upon; I do remember some cases of questions arising, but it is some time ago, and I have certainly not had many, and not any recently.

579. Have none of them been of any importance?—No, none of any importance; at least not of sufficient importance to impress themselves upon my mind.

580. It has not been a common subject of grievance?—No, certainly not.

581. You stated in answer to a question from the Right Honourable Chairman that if the occupier were relieved to the extent of one-half from those rates the owner would find some means to recover it; that, of course, could be only at the expiration of the existing lease?—I suppose that if any such alteration were made in the law it would provide for existing agreements and leases, and so on.

582. Otherwise at the end of the lease, the owner having the power of which you speak, the two would find themselves relatively in the same position as they were before the occupier was relieved of half his burden?—Yes.

583. Mr. *Corrance.*] Have not almost all your observations related to one class of rating under the improvement Act?—The bulk of them related to the general district rate.

584. Your evidence relates, does it not, to a number of classes included under what is called the Improvement Act of 1858?—My evidence relates almost entirely to that Act, and the Act of 1848, of course. My experience extends over the whole period of the working of those Acts. I have been engaged in their administration since 1850, and during the whole of that time, therefore, I have been conversant with both Acts.

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585. Do the powers extend to the country generally?—Not the powers of those Acts.

586. How is the limit of their operation defined?—Those Acts only come into force, the Act of 1848 when it is applied, and the Act of 1858 when it is adopted.

587. What is the utmost limit of the powers under the Act; does it apply to towns, or to the country generally?—Any class of places; as I before mentioned, the divisions known to law are boroughs, towns, parishes, townships, and hamlets; but there may be also districts created, not having known defined boundaries, except for the purposes of this Act.

588. Then it is generally applicable throughout the whole country?—It may be, but it is meant for the necessities of a certain population. I may say that in no case of a population under 3,000 can it be put in force without the sanction of the Secretary of State. That was found necessary in order to prevent a great number of small places adopting it, with a view to escape from the operation of the Highway Act.

589. You have stated to the Committee that it is put in effect partly by the farmers and residents in the country, and partly, in some cases, by the rural authorities; how are the boundaries defined?—Simply by the action of the local board dividing its district under the power of the 89th section.

590. What have they powers to include; how much country?—There is no limit; as I said it is a matter of discretion

591. In fact any amount of country and town might be accumulated and amalgamated under this Act?—I should mention that the creation of a district for the first time is done by a petition to the Secretary of State, signed by one-tenth of the owners and ratepayers, in number or value, living within the area, of which they appoint and prescribe a boundary. They petition the Secretary of State to settle that boundary, and then he sends down an inspector, who examines into the propriety of that boundary, and who has it in his power to make a modification of it, and the Secretary of State finally settles the boundary, so that there is an appeal to him; the parties who are dissatisfied with the boundary always do appeal against the boundary proposed. There is very often a very great difference of opinion as to the boundary, and that difference of opinion is settled by the inspector and the Secretary of State. I should also say that the boundary so settled is merely settled for the purpose of coming to a vote upon the adoption of the Act. The Act is not brought in force in that boundary, but the boundary has created the place within which the vote may be taken for or against the adoption of the Act.

592. Mr. *Ayrton.*] Will you refer to the Act of Parliament which you are describing?—It is the Local Government Act of 1858.

593. Mr. *Corrance.*] After that vote has been taken and a boundary created, will you tell us what are the powers and in whom are they vested?—The local board is then elected within the district which has adopted the powers of this Act.

594. And does that body apportion its rate severally between the different classes under it?—It has its power of dividing the district.

595. You have mentioned an apportionment of one-fourth and three-fourths?—That is not an apportionment; I have mentioned certain classes of property which are assessable on one-fourth of their annual value under the Act.

596. Not subject to the discretion of the local board?—No; the only discretion which the local board exercises is in the division of their district for rating purposes. They may divide their district for separate assessments for all or any purposes of the Act.

597. You say that there is a considerable difference as to the application of the Act, so that it leaves it discretionary upon these local boards as to who shall pay a certain proportion of the rate if they have not adopted the Highway Act?—Yes, but they would construct the district so as to include both town and country.

598. Therefore it is after all at the discretion of the local board how those burdens shall be borne?—They have considerable power, no doubt. For instance, a local board in which farmers have the preponderance would levy the rates with one leaning, and a local board in which townspeople have the preponderance would levy the rates with another leaning, and there is frequently considerable collision between those classes of interests.

599. Do you think usually that some fair adjustment of the question is arrived at by the local boards, and are you satisfied with the application of those rates by the local boards?—I fancy that a rough kind of justice is arrived at, the great tendency being always to levy the smallest number of rates possible, and the pressure being always against heavy rating. In some cases the local boards have levied heavy rates, but the pressure is always the other way, and constituents look sharp after their local boards; besides one-third of the local board retire every year, so that there is good opportunity for bringing pressure to bear upon the local board by election.

600. Would you consider that some different classification of those rates is necessary, in order that they should be justly assessed?—I am not aware of any great change that you could make in the present arrangement with a view to ensure more justice.

601. Would you levy the highway rate, as it is now, partly upon one class and partly upon another?—The purpose for which this was introduced was to get something like justice.

602. Do you allow that your principle can only be partially applied?—As you have districts consisting partly of town and partly of country, I do not see how you can escape from it.

603. You have told us that in some cases below 10*l.* the owners can be rated; does that come under the General Compounding Act of Sir William Clay, or is it under the powers of the Act itself?—Under the Local Government Act itself.

604. Independently altogether of any composition?—Yes, the composition Acts relate to the poor rate.

605. You have told us that you consider that the benefits derived from those rates are general, for the most part, and apply to the occupier generally throughout; would that lead to the conclusion that the owner should be rated or the occupier?—I have already said that I think, with regard to rates for purposes that are defrayed by payments over a term of years, you cannot rate any one but the occupier; that, do what you will, the occupier will pay them in the long run,

run, and during the time that his lease is running the burden will fall upon him.

606. Mr. *Acland.*] Do you mean the run of his lease?—I mean that however you distribute the rates, nominally they will always fall upon the occupier.

607. What is the measure of time meant by the long run?—I meant that they would come, in the end, upon the occupier.

608. What measure of time is that?—I mean that whatever arrangement you adopt, sooner or later, the payment will come to the occupier. You cannot adopt any arrangement with regard to the payment of rates by which you can lift it off the shoulders of the occupier. If you charge it upon the owner, he will make the occupier pay it.

609. Mr. *Corrance.*] I think you told us that a manufacturer, employing a great number of hands, is still only rated in proportion to his tenement and fixed machinery?—Yes, that is so; he is rated in the same manner as to the poor rate.

610. And yet you think that the burthen will fall upon the occupier?—Yes.

611. If a manufacturer discharged his hands during a slack time, and threw them back upon the rates, upon whom would that burden fall?—If he continues to occupy the manufactory he still pays the rates.

612. He still pays the rates on the manufactory; but on whom would the main portion of the burden fall in such a case as that, where the rate is assessed upon the owner?—It is not assessed upon the owner; as far as I know it is assessed upon the occupier.

613. I was contemplating the possibility of their shifting this burden upon the owner, and I want a distinct answer to this: if a manufacturer discharges his hands, and the burden of maintenance falls on the owners of property, on what class of owners would it generally fall?—I do not understand your question.

614. Would it not fall upon the owners of houses and other borough property in the town?—Yes, I presume that the class of those who own manufactories, and so on, is the same class generally as those who own houses and town property.

615. But if it fell upon the occupiers, they being the occupiers of houses, this rate would fall upon them partially?—Yes.

616. Would not it virtually come to this, that the rate would be a rate in aid of wages?—You are taking the case of people who have ceased to earn wages, and are thrown upon the rates.

617. You do not consider it in such a case as an actual rate in aid of wages?—No, as I have just said, you are taking the case of people who are thrown out of work.

618. If a manufacturer is able to throw his hands out of work, and throw them upon the rates, those rates not falling, except a small portion, upon himself, is not that absolutely throwing a part of his wages upon those rates?—It seems to me that this question relates to the poor rate; I am speaking of town improvement rates, and you are asking a question which seems to me, as far as I understand it, to bear upon the question of poor rates. My experience is limited to local government rates.

619. Then you would not consider that this especial class of rates would have any such effect as I have indicated?—I do not see how it would be so.

620. You spoke of the election of a board and of the qualifications; do you consider that allowing a plurality of votes is a proper mode in which the board should be elected?—As far as I have had experience I certainly think that the plurality of votes is a wholesome provision, more so the more I have seen of the working of this Act.

621. Do you think that that is the only way in which an owner could exercise the proper amount of control over the rates?—I think, generally speaking, it is the way in which property exercises a wholesome influence, because it affects not merely owners but also ratepayers; they have a number of votes as well as owners, so that the tendency is to keep down questionable expenditure.

622. Would it not be more simple to have a composite body, partly of owners, and partly of occupiers, in relative proportions?—The question is choosing a board; and you now do get a body of owners and occupiers. I scarcely understand whether the question refers to the electors or the elected.

623. With regard to those who are elected upon the board under separate qualifications, do you consider that the exercise of that power as regards plurality of votes is a better mode of securing the power in the hands of the owners, than by having a board composed under separate qualifications, and a distinct number of each?—That is to say, a certain number of ratepayers elected, and a certain number of owners elected; I presume this is a rough way of getting at that. I should think it would be very difficult to determine in any case how many owners you would have, and how many ratepayers; I do not know upon what principle you could settle that; I do not see any way of settling it.

624. I think in one of your answers you stated that the operation of the board mainly depended upon the excellence of the chairman and clerk, and that you considered the composition of the board to be a secondary consideration?—If you could get all the members good ones, that would be the best board; of course it would be pre-eminently a good board, if you could get a good chairman and a good clerk, and all the members good ones, and in proportion as you get good members the board is good; but what I meant by referring to the chairman and the clerk, was that they were the two leading elements for testing the merits of a board as far as I know.

625 Mr. *Acland.*] Have not those 674 local bodies, to whom you have referred, grown spontaneously, or the greater part of them?—Yes.

626. Do you think that the time is approaching when it would be desirable to have a division of the whole country into districts, or do you think it better to leave the country to go on shaping itself voluntarily in this way, according to the units that it may make of itself?—I think that the whole question of local divisions is becoming so complicated that sooner or later it will be necessary to overhaul the country with reference to it. The towns are already constituted, and the boroughs are constituted for other purposes, and those, I presume, must remain as they are; but certainly, with regard to the class of districts which are neither boroughs nor towns, I think that overhauling will become necessary.

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627. Could you give us a table showing under certain heads how many of those districts are purely urban and how many are rural, and how many are semi-rural?—That could be determined very closely by going over the list of them. You will see in the list which is published by Knight, in the local board almanack as it is called, he puts to each board its addition, as borough, town, or parish, or township. Almost all cases where the districts are parishes, townships or hamlets are semi-rural.

628. Would there be any difficulty in your office in sending us in a classified arrangement by which we could arrive at some conclusion as to how far country districts are shaping themselves into units under this local government Act?—I could give the Committee such a return.

629. A large number will, I presume, include a considerable country as well as town area?—A considerable number.

630. Would you say over 100?—Yes, a good many more.

631. Are some of them to the extent of several square miles?—Some are large; for instance, where the Act has been adopted by a parish, that parish very often includes a considerable area of agricultural land.

632. In the improvements of such a district some improvements are in the nature of improvements of the ordinary comfort of the inhabitants of the town, and some are in the nature of improvement of the health of the district, and some tend also to increase the agricultural value of the land, do they not, in case of drainage for instance?—Yes; but the drainage which is carried out under our Act rarely increases the value of land materially; it is generally round a town, and it would be very narrow in its operation. It is rarely that there is any substantial improvement caused in the agricultural value of land.

633. In fact the subject of lowering the water table over a large district around a town has hardly come in under your Act?—Of course to a town the lowering of the water table is a matter of great importance as affecting the health of the town. In cases where that has been done upon such a scale as to materially affect the height of the water table, it may have benefited the land round about the town, but that would not be any great area of agricultural land.

634. Is not it the fact that in some towns in England, take Oxford for instance, the health of the whole town, and therefore also presumably the value of the property of the town is greatly affected by the state of the surrounding district for some miles?—There are cases conceivable in which the lowering of the water table by town drainage might affect an area of some extent around a town, but of course that would depend entirely upon the conformation of the country. It would be very difficult to give a general answer to that question.

635. What do you mean by lowering the water table by town drainage?—I mean by the sewage operations that are carried out.

636. Is it not the fact that there are towns in England in which the health of the people is sensibly affected by the damp and the ill-drained condition of the surrounding country for some miles?—No doubt that is so.

637. Is not that a very important subject to be dealt with by local governments?—Yes, if you could reduce the damp of the town areas as distinct from their sewering; that is to say, if you could drain to get rid of the surface water and dry the site of the town as well as sewer the town, that would most materially improve its health. All sewering does indirectly do that.

638. Is it not the fact that the per-centage or proportion of consumption and other diseases is distinctly traceable to the condition of large areas of country?—No doubt drying the subsoil is one of the most important sanitary operations that you could engage in.

639. Is there not great difficulty in carrying out any large plans of that kind, as long as the mode of rating agricultural land and town land has no reference to those considerations of the different interests which the agricultural owners and the inhabitants of towns have, and is not some change of the law required to meet all those circumstances?—I should think that there is very great difficulty and danger of collision as between the agricultural and the town interests in those matters.

640. And that is the case, notwithstanding the existing law, which has provided for the apportionment between the inhabitants of towns and the owners and occupiers of agricultural land around a town, so that they should pay fairly in respect of the benefit which they respectively get?—I do not think that the law aims at that at all; it does not affect it.

641. Is there any provision by which the respective benefits derived by each class can be fairly apportioned between them?—Not in the law as it stands.

642. Do you attach great importance to the control over the mortgaging power of the ratepayers over their own property?—Yes.

643. And where is that control at present?—In the Secretary of State.

644. Is that control sufficient?—I think so; at least I think that it would be sufficient if he had the power of looking after it. It is quite sufficient in the first instance for the purpose of securing that the mortgage shall be for a proper object, and so on, and that the arrangements are fair, but with regard to the subsequent application of the money, there is considerable want of power; there is no inspecting power; there is no power to see that the money is properly applied.

645. You have already said that in your opinion, on the whole, the present constitution of the local boards works tolerably well; do you think that there is sufficient provision under the existing law for the owners of property taking a wide and large view of their own interests, in expending their money upon structural improvements, tending either to the health of the town, or to the value of the property around the town?—It seems to me that this is a question of general education; it depends upon the wisdom of the owners.

646. Does the present state of the law give the owners a sufficient interest and responsibility for the expenditure to make it worth their while to take a long-sighted view of improvements?—The direct pressure of rates upon the owner is not all; but ultimately, I fancy, the owner is so very largely interested in the general prosperity of the place, that he is quite as much interested as any occupier can be in the general question of rating and of local administration.

647. The

647. The way that he feels himself affected now is by the improvement of the value of his rent, is it not?—Yes, it is, indirectly; I do not know how far you could directly provide for that.

648. Supposing the suggestion of the honourable Member for East Suffolk were adopted, that the owners were directly represented on the board of freeholders; persons possessing a property qualification, and that they had one-half, or one-third, or two-thirds, as the case might be, of the votes on the board, is it not probable that they would more directly feel the pressure of the rates upon themselves, and look further ahead in making arrangements for the benefit of those places?—I am not sure whether the honourable Member means that the incidence of the rates is to remain as it is at present.

649. I am supposing, of course, that half the rate, which seems a fair proportion of the rates, falls directly upon the persons who receive the rents?—Possibly; if they had to pay the rate directly, they would be more practically sensible of the pressure and anxious to interfere in its administration, and more anxious for representation. The man who pays the rate will always be more keenly sensible of the amount of it than the man who does not pay it directly that is to say, even though he pays it indirectly.

650. The present arrangement under the Local Government Act does not bring home to the man who receives the rack-rent of houses, the gradual rise and fall of rates from year to year?—No, it does not in his character of owner; but, generally speaking, so far as he is resident in the place, he is also an occupier.

651. He may not be a nobleman or a great landed proprietor, he may have a couple of thousand a year in the town?—Then he does not feel it.

652. Except that his grandson may feel it 30 or 40 years hence?—Yes, he only feels it indirectly.

653. You are aware that upon the continent, in France particularly, there is in every parish a person called the maire, and in every department there is a person called the préfet; do you think that our English habits would make it altogether impossible that anything like personal responsibility should be fixed upon any one individual for taking the initiative in our towns, or is it better to leave it to a board as represented by their chairman?—I think it is better to leave it with the board.

654. You think that the initiative is sufficiently provided by your local boards and by the spontaneous action of public opinion?—I think that that is the only thing that you can rely upon.

655. Do you find that the initiative is sufficiently readily taken by local bodies?—I think you must keep as a last resort the power to put the screw upon local authorities if they absolutely refuse to do their duty; you must keep that power somewhere; I think such a power must be reserved to put pressure upon supine local authorities in the last resort.

656. How is that pressure now put by the present law?—By the Secretary of State.

657. What is that power?—The power of instituting an inquiry upon complaint of local default, and if the complaint is found to be proved, and the default has been committed, there is power to make an order upon the local authorities, limiting a certain time for the performance of the duty; and if they do not perform the duty within a certain time, the Secretary of State may appoint a person to do it at their expense.

658. Am I right in saying that, upon the whole, the present system of trusting localities to look after their own health, works very much better than an attempt to act by the central authority solely?—Certainly; I think the central authority has the utmost difficulty in acting in this country even in extreme cases.

659. Under the Local Government Act do you think that the local initiative is acting much better?—I think, on the whole, it is, because we always found under the Public Health Act that when you attempted to interfere in defiance of local opinion, you created such ill-will that the friction was enough almost, if not quite, to neutralise your efforts.

660. Should you be disposed to draw a distinction between structural works and other works, as to the charges which ought to be placed upon the owners and occupiers, I mean work for the general benefit of a town, such as main sewers, main roads, and main bridges?—Of course, in all cases, except where you distribute that charge as it is now, you distribute that charge by rule; you borrow first, and you distribute the payment over a number of years.

661. I am supposing the suggestion upon which this Committee is founded, that owners and occupiers are to be each charged separately from year to year with the amount of pressure from the fair rise and fall of the rates; would it not in that case be desirable to draw a distinction, and say that certain permanent structural charges should fall upon the owners, and that the current expenses for repairs and salaries, and so on, should fall generally on both owner and occupier?—If that were possible, it would be very desirable.

662. Mr. *Ayrton.*] Have you directed your attention seriously to the incidence of rates, and the principles upon which they should be levied?—Only in so far as regards certain questions connected with the matter.

663. I mean as applicable to the rates with which you are more particularly conversant; have you considered the subject at all?—Certainly, I have considered it.

664. Do you recognise an inherent distinction between land used as a manufactory for the production of food, and house property, which is unproductive of itself, and is merely used for the occupation of a tenant with regard to rates under this Act?—I have always considered that what should determine liability to rates was the tendency to create population; that all property which tends to create population, and to amass population in a body, should be made liable to the payment of those rates.

665. A house has a tendency to create population as much as anything else, has it not?—I referred to manufactures; I have never heard any doubt raised as to the liability of house property; the class of property with regard to which I have always heard the claim to exemption urged is property that employs labour, and that is not used for habitation. I have commonly heard it put that manufacturers should not pay so much, because manufacturers were not benefited by the sewerage or by the water supply, and so on. In the same way with farmers; I have heard

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heard it said, "Why should farmers pay; their property is not benefited by sewers?" and so on. My answer to that has always been, "If your property causes aggregates of labourers to be brought together, requiring those rates to be levied, which it does, then your property should pay; here you have got a manufactory which employs 500 men; those 500 men and their families are the very people that help to swell that class which renders necessary the imposition of those rates.

666. Then the occupation of land in that respect would only be rateable as measured by its production as compared with the manufactory and the number of hands that it employs?—Yes, by employment of fewer hands.

667. Is not that rather a defective measure of rating to introduce, because persons who live in houses and create no employment would be exempt from taxation if that were the measure of taxation?—They enjoy all the benefits of the town convenience, and, therefore, they ought to pay their proportion to it.

668. In taxing a farm, as compared with taxing a house in a town, the only thing to be taxed seems to be the farmhouse?—That is one view of it; I look upon it that you should tax property with reference to the amount of labour that it calls into existence; if a farmer employs a dozen labourers, and those labourers lodge in a small town near it, which they do very often, then those labourers are the very class that call into existence this kind of rates, and create the necessity for them.

669. If you tax upon that principle a manufactory employing 1,000 people, you would tax the manufactory, would you not, for the 1,000 houses that are occupied by the workmen in the manufactory?—Indirectly; I do not mean to say that you should do it absolutely, but that would be one reason why the manufacturer should pay a considerable proportion of the rates.

670. You perceive that there is a very inherent distinction between land when it is used merely as a machinery for producing food, and houses which measure the general income and the general wants of the family occupying the house?—I doubt if the general income and the general wants of the people should be the real measure of town taxation.

671. Have you entered into the subject much?—I have not, except in reference to the question of exemptions from rates, and the liability to rates; that has been the point from which it has principally suggested itself to me practically.

672. You have not gone seriously into the question of upon whom the rates should fall?—Not into the general question, nor into all the incidents of the case. I have not made a special study of it, except, as I say, with reference to my special subject.

673. Mr. *Rathbone.*] Did I rightly understand you to say that the local boards have power to divide their district into separate areas of taxation to meet local peculiarities, and that since they have that power it has worked very well, and has removed the causes of disputes that were previously so frequent?—I believe it has worked on the whole fairly.

674. *Chairman.*] There are rates for lighting and watching which are not under local boards; those naturally have not come under your notice?—No; when the Act is applied to a district in which the watching and lighting rate has been levied under Watching and Lighting Acts, those Acts are superseded, and the matter is provided for by the rates under our Act.

675. Can you state to the Committee under what authority those bodies are?—Under no central authority; they are purely local.

676. Their accounts are not audited in any way, I believe?—Not in any way, so far as I know.

677. By whom are improvement commissioners appointed?—Improvement commissioners were very often self-elected; that is to say, the body was named in the original Act, and that body in the old Acts, in almost all cases, elected to vacancies in its own body, and their accounts were never audited.

678. The rates which are now levied by improvement commissioners are not audited at all, are they?—As a general rule they are not. In very recent Acts there may be a provision for auditing; but it is quite a new notion.

679. You have got, besides the general district rate with regard to which you have been giving evidence, the lighting and watching rate which is levied separately?—Yes, by a body with the title of overseers of watching and lighting.

680. And those two classes of rates are under no Government office at all?—No.

681. Could you suggest to the Committee who would be able to give evidence as to the way in which they are levied; there is no public department to whom they are amenable?—No; there is no public functionary under whose control they are.

682. What is the definition of "owner" in the Local Government Act and in the Public Health Act?—There is a separate definition given of "owner" for the purposes of election, and of "owner" for other purposes.

683. I mean for voting purposes?—"The word 'owner' shall mean the person for the time being receiving the rack-rent of the lands or premises in connection with which the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack-rent." He is the person into whose hands the rack-rent comes; that is, for ordinary purposes. Then for election there is another definition.

684. Mr. *Fielden.*] Can local boards act under several Acts?—They act under the Public Health Act, the Local Government Act, and some Amendment Acts.

685. Are not the provisions of these Acts found to clash somewhat?—No, not of these Acts.

686. From the experience that you have, do not you feel that it would benefit the public if you could consolidate those Acts?—Certainly, they ought to be consolidated; but I mean that practically there is no collision.

687. Mr. *Corrance.*] You have stated, have you not, to the Committee that the rates levied under Improvement Acts have to a certain extent not been included in any general returns?—No; the rates under the Improvement Acts were not included under any general returns till the Act of 1861; in fact, there was no such thing up to that time, but since the Act of 1861 they have been returned.

688. Do you consider that the whole of those things

things which are included under the Improvement Acts of 1848 and 1858 are mainly special and local rather than general?—They are entirely local, having relation to the wants of the districts, and all those local wants together make up the general.

689. But they are special to the locality?—Yes.

Mr. *T. Taylor.*
18 March 1870.

Mr. Frederick Brooksbank Garnett, called in; and Examined.

690. *Chairman.*] You are Assistant Chief Inspector of the Inland Revenue?—Yes.

691. Are you conversant with the law as regards the levying of the income-tax?—Yes.

692. Will you state to the Committee the mode in which the income-tax is levied from the owner of real property under the Income-tax Acts?—Through the occupier in all cases; the occupier is assessed.

693. And has not the occupier a right to deduct it from the rent?—Yes, on the next payment of rent.

694. Is there any clause by which the occupier and the owner are prohibited from contracting that it shall not be so deducted?—Yes, there is.

695. Will you read the clause?—It is the 73rd section of 5 & 6 Vict. c. 35: "Provided always, and be it enacted, that no contract, covenant, or agreement between landlord and tenant, or any other person, touching the payment of taxes and assessments to be charged on their respective premises, shall be deemed or construed to extend to the duties charged thereon under this Act, nor to be binding contrary to the intent and meaning of this Act, but that all such duties shall be charged upon and paid by the respective occupiers, subject to such deductions and repayments as are by this Act authorised and allowed, and all such deductions and repayments shall be made and allowed accordingly, notwithstanding such contracts, covenants, and agreements."

696. Could a contract be made that the occupier should not have the power to deduct from the owner?—It might be made; but it would be invalid in law.

697. If the occupier were to contract that he would not deduct the income tax from the owner, he would, nevertheless, be able to deduct it, because it would be an illegal contract?—Yes.

698. As far as you know, have there come to the knowledge of the Inland Revenue instances of contracts made in contravention of this provision?—Yes, such contracts have been made; but whenever they have come to the knowledge of the Inland Revenue, they have been held to be invalid under the Act. There is a penalty for refusing to allow the deduction, under clause 103 of the same Act: "And be it enacted, that if any person shall refuse to allow any deduction authorised to be made by this Act out of any payment of annual interest of money lent, or other debt bearing annual interest, whether the same be secured by mortgage or otherwise, he shall forfeit for every such offence treble the value of such principal money or debt; and if any person shall refuse to allow any deduction authorised to be made by this Act out of any rent or other annual payment mentioned in the 9th and 10th Rules of No. IV., Schedule (A.), or out of any annuity or annual payment mentioned in Schedules (C.) or (E.), or in the next preceding clause, save such annual interest as aforesaid, every such person shall forfeit the sum of 50 *l.*; and all contracts, covenants, and agreements made or entered into, or to be made or entered into, for payment of any interest, rent, or other annual payment aforesaid, in full, without allowing such deduction as aforesaid, shall be utterly void."

Mr. *F. B. Garnett.*

699. Does that cover rent?—Yes; that would apply to real property; it does not apply to the deduction from rent merely, but also from any charge upon the property including mortgages.

700. Do you consider that generally speaking the law is effectual in reference to allowing tenants, as a general rule, to make this deduction from the landlord?—Yes, we think so.

701. As far as regards the tenant, the occupier, is not the person from whom he deducts the income tax his immediate landlord?—The immediate lessor.

702. How does the immediate lessor proceed; can he go on deducting?—He can go on deducting. If there should be any out-going in the way of rent-charge, or any charge in the way of mortgage interest, he can deduct the tax upon the proportion that he has to pay by way of out-going from the annual value.

703. Would the ground landlord be reached?—Yes, in the same way, upon payment of the ground rent; the proportion of the tax upon the ground rent would be deducted.

704. So that the interest is followed from the occupier through all those who are interested in the property, up to the ground landlord?—Quite so.

705. And each pays in proportion to the rent or profit that he receives out of the estate?—Yes, that is the case.

706. Mr. *Ayrton.*] If a person owns a house which he has let for 100 *l.* a year, and an income tax of 1 *s.* in the pound is put upon it, and he then lets it for 105 *l.*, he has entirely defeated all the provisions which you have been reading to us, has he not?—No; I do not see that he has.

707. If he owns a house of 100 *l.* a year, and an income tax of 1 *s.* in the pound is put upon it, and thereupon he raises the rent to 105 *l.*, he has entirely defeated all the provisions which you have read to us, minus the 5 *s.* on the 5 *l.*?—No; the property would be liable to assessment upon the annual value whatever it is.

708. He would then receive 105 *l.*, would he not?—Yes; but he would be subject to assessment on 105 *l.* if the rent were raised to that amount.

709. But he would have received from his tenant 105 *l.*?—Yes.

710. And his tenant will deduct five guineas for income tax?—Yes.

711. He would therefore receive 100 *l.* less 5 *s.*; whereas, if he put on 5 *l.* 6 *s.*, he would rebate nothing, and all the provisions which you have read to us would be completely nullified, would they not?—The tenant would deduct the income tax upon the rent which he pays to the owner, whatever that rent is. If the value exceeds the rent, then the tenant would have to bear the proportion upon the difference.

Mr. *F. B. Garnett.*

18 March 1870.

712. You have read the clause which says that there shall be no contract not to deduct the income tax; I ask you if the landlord be in receipt of 100 *l.* a year, and income tax of 1 *s.* in the pound be put upon that, and the landlord then raises the rent to 105 *l.* 6 *s.*, all those provisions would be defeated, would they not, because the landlord would continue to receive 100 *l.* a year as he did before, and the tenant would pay the whole of the income tax?—The tenant would be assessed, and would have power to deduct it from the rent.

713. He would pay as much net rent as he payed before, and he would pay the whole of the income tax, would he not?—Yes.

714. And that would be perfectly legal?—Yes.

715. Therefore that clause really applies only to the landlord, in so far as he cannot change the contract between himself and the tenant; is not that so?—But the tenant would bear the tax upon the extra proportion that was put upon the original rent, but he would still have the power of deducting the income tax from the landlord.

716. Do you not see that the effect of that clause is merely to keep the income tax upon the landlord when he cannot change the measure of the rent between himself and the tenant?—The tax would still be borne by the landlord.

717. Cannot he always recoup himself by raising the rent, if the contract between him and the tenant is not so permanent as to prevent him doing so?—In the income tax assessment, if the rent increases the tax follows the increased rent.

718. Mr. *Walter.*] Supposing there has been an income tax of 5 *l.* assessed upon a house of 100 *l.* a year, the landlord will recoup himself by raising the rent to 105 *l.*, but does not that assume that the landlord has the power of doing so?—Yes.

719. Mr. *Ayrton*] The whole thing depends upon the power of the landlord to alter the contract by raising the rent?—But that would be a new letting.

720. Sir *Massey Lopes.*] Of course the tenant would have the option of saying whether he would take the house again at the increased rent or not?—Yes.

721. So that it is optional with him either to terminate his tenancy or to go on with it?—Yes.

722. Mr. *Ayrton.*] Do you not see that the clause assumes that he can make that contract, because it prohibits him from doing so. I am assuming that the contract can be made, and if the contract can be made in one shape, cannot it equally be made in the other, and the Act be reduced to a nullity?—I do not see it in that light.

723. Sir *Massey Lopes.*] How can you provide against that. Of course the house must be at a fixed rent, and you could never alter that during the lease; would not that be so?—Yes.

724. Mr. *W. H. Smith.*] Has there not been a very considerable increase in the value of property since the income tax was imposed?—A very large increase.

725. Has there not been a growth in the value of property greatly exceeding the amount realised by the property tax and income tax?—Yes, I believe so.

726. It is impossible, is it not, for you to tell whether that growth is due to competition, or decrease in the value of money, or to the fact that the tax now paid by the occupier, and recovered from the owner, is really in its turn recovered by the owner from the occupier?—Precisely so.

727. But the fact is clear that there has been a very large increase in the rental of the country?—Yes, a very large increase.

728. Colonel *Brise.*] The income tax is not always taken upon the rent, is it?—No, not necessarily upon the rent; the assessment is upon the annual value, and that may be beyond the rent.

729. Mr. *Fielden.*] Do you think that the effect of putting on a tax is to increase the value of property?—No.

730. Mr. *Gregory.*] Is it not the principle of those clauses that you have read to us to distribute this tax amongst all parties having an interest in the property?—Yes.

731. So that whoever may be the incumbrancer, whether the mortgagee, or the owner of the equity of redemption, the principle is to apportion the tax, as it were, between them, and to make them liable each for their contributions?—Yes.

732. That I presume you consider a just and proper principle?—Yes, it being a tax upon income.

733. Are you aware of that principle being applied to any other tax upon the income of landed property?—No.

734. With respect to all the other boards, local or otherwise, whatever may be the incumbrances upon the property, is it not the case that the owner of the equity of redemption has to bear them?—Yes, I believe so.

735. Therefore a property may be encumbered to the extent of three-fourths of its value, and the owner of the one-fourth has to bear the whole of the tax?—Yes.

736. Mr. *Corrance.*] When this income tax is levied, as you say, upon the occupier, is there any rebate made for what are called landlord's rates and taxes?—A deduction is allowed for certain rates and taxes, not all; there are certain specified deductions allowed by the Act.

737. Is not it the principle of the law that no tax shall be imposed upon a tax?—There is a deduction allowed for taxes.

738. For what are called landlord's rates and taxes?—Yes.

739. It being levied upon the occupier, would there be any allowance made for landlord's rates and taxes which would be so far upon the entire annual value?—The assessment would not be upon the entire annual value; an allowance is made for landlord's rates and taxes.

740. If any new rate is imposed upon the occupier, would the landlord's deduction for income tax be reduced in that respect?—No, there would be no deduction in that respect.

741. Would the landlord pay the same property tax?—Yes.

742. And yet, I suppose, you will admit that the rate ultimately falls upon the owner?—Yes; the deductions which are allowed under the Income Tax Acts are parochial rates and taxes on tithe rent charges, land tax, and drainage rates, &c.

743. Sir *Massey Lopes.*] Has there been any valuation since the year 1867?—1867 was the last assessment; there will be a new assessment this year.

744. Could you give us the relative proportion of the valuations, as between lands and houses?—I will supply a Return.

745. *Chairman.*] As regards the clause for preventing

preventing contracts, would it have this effect, that if a contract had been entered into that the tenant was to bear all the rates and taxes, and such contract were legal, however the income tax might rise in amount, it would be paid by the tenant?—As a matter of agreement between the landlord and the tenant it might be so.

746. As a matter of fact, supposing there were not that clause in the law, then the tenant could contract with his landlord to pay all the Queen's taxes, in the same way as he contracts now to pay all the rates?—Yes, if there were not that clause.

747. And if there were an increase in the income tax during his tenancy, that increase would fall upon the tenant?—If the contract so provided.

748. The presence of the contract is useless, whenever there is a new letting, as a protection to the tenant, is it not, because then the landlord might ask so much more rent?—Yes.

749. But in existing contracts the fluctuations are now borne by the owner, as the tenant is prohibited from contracting that he will bear the fluctuations, and as those fluctuations cannot be estimated beforehand, the fluctuations are borne by the owner, are they not?—The fluctuations would be borne by the tenant in respect of a long lease, or a letting beyond seven years, because when a new assessment is made the Commissioners are not bound by the actual rent, but they may take the present value, and therefore an increased assessment may be made upon the property beyond the former assessment, and the increased assessment in that case would fall upon the tenant, being his beneficial occupation.

750. If he were assessed at 700 *l.* a year, while he was paying a rent of 500 *l.* a year, the 200 *l.* a year would be considered to be his beneficial interest, and he would not be able to deduct the rates upon that 200 *l.* from the rent?—No; he would only be able to deduct on 500 *l.* a year.

751. He deducts so much in the pound, does he not, from the rent?—Yes, from the rent that he pays.

752. Not the gross sum which is charged?—No, not the gross sum which is charged, but so much in the pound on the rent which he pays.

753. Supposing that there were an income tax of 1 *s.* in the pound, and he were paying a rent of 600 *l.* a year, if he were assessed at 600 *l.* a year, he would deduct the whole of that from the landlord, would he not?—Yes, he would.

754. If he were assessed at 650 *l.*, he would himself have to pay 1 *s.* in the pound on 50 *l.*?—Yes.

755. How would it be if he were assessed only at 500 *l.*; then would he deduct from the owner the income tax of 1 *s.* in the pound upon the 500 *l.*?—That would be an illegal assessment; he would be charged below his value.

756. I presume that that occasionally occurs?—Yes, it does happen: sometimes from ignorance or from false returns which are sometimes made.

757. In that case the owner would get the advantage of it?—Yes; I apprehend that he would.

758. The owner only allows that which is paid by the tenant?—He might require proof of what the tenant had paid, and he might refuse to allow more than he had paid.

759. Has the question ever been considered at the Inland Revenue, of collecting this tax from the owner?—I believe it has been considered.

760. But it has been considered safer, I presume, as no change has been made, to deduct it from the occupier, and to pass through all the interests by the system of deductions?—Yes, the premises are liable; any effects on the premises are liable for the tax.

761. What is the case with respect to unoccupied houses as regards income tax?—They are discharged from assessment; no income tax is paid in respect of unoccupied houses.

762. Mr. *Birley.*] Is not the owner bound to mention in his general return any discrepancy between the rent he may have received and the rent he has been assessed upon, that is to say, if he has received 600 *l.*, and has only paid upon 500 *l.*, would he not be bound in his general return to assess himself with the difference?—Strictly speaking, he would.

763. Take the case of a shopkeeper, who pays 100 *l.* a year rent, but whom you assess, under Schedule A., at 150 *l.*, as having a beneficial interest of 50 *l.* would he not be entitled to deduct from his profits that 50 *l.* which he is assessed upon above what he is able to charge against his landlord; that is, if he returns the full amount of his profits, and he is making a profit in all of 300 *l.* a year?—A person in business is entitled to deduct a portion of the annual value of his premises from his assessment under Schedule D.

764. He would be entitled to deduct, would he not, what he had paid beyond that?—He would be able to deduct, if he resided in the house, a proportion not exceeding two-thirds.

765. I mean, that he is not expected to pay upon more than his actual income?—No.

766. That is to say, his place of business is simply to him a place of business yielding him a return of profits which he honestly returns, and he is assessed at 150 *l.*, being 50 *l.* above the rent, and, therefore, 50 *l.*, more than he can recover from his landlord, would he not be entitled to take that as a reduction from his profits?—Yes; he would be entitled to deduct the whole of the rent assessed in respect of his business premises.

767. Do you mean the whole of his rent after getting the property tax from his landlord?—The rent as assessed would be deducted as a trade outgoing.

768. But then he would deduct not merely his rent, but his extra assessment?—Yes.

769. So that in one case the owner would be bound to return the excess, and in the other, the occupier would be entitled to deduct the excess?—Yes.

Mr. Henry Arthur Hunt, called in; and Examined.

Mr. *H. A. Hunt.* 18 March 1870.

770. *Chairman.*] You are a Surveyor, and you have had considerable experience in surveying and valuing property, have you not?—Yes.

771. Chiefly in the metropolis, or all over the country?—Chiefly in the metropolis, but sometimes in the country as umpire, in contested cases of compensations.

772. We should be glad to hear from you some evidence upon the way in which house and land property is affected by high or low rating. Are there any cases in London where you could have a fair opportunity of judging whether there is a difference made in the rents, obtainable from houses, by their being in high rated or low rated districts?—The assessment of the rates does not affect the letable value of property, and the saleable value of property.

773. Could you cite instances were part of a street or part of a square is situate in two parishes or unions, the one being high rated and the other low?—Lowndes-square is an instance of that; the east side of Lowndes-square is in the parish of St. George, Hanover-square, and the west side is in the parish of St. Luke, Chelsea. The rates in St. George, Hanover-square, are comparatively low; in St. Luke's, Chelsea, they are higher, and *cæteris paribus*, a house on the west side would not realise the same rent as a house on the east side, for that reason; so also in another boundary of the parish of St. George, Hanover-square, in Pimlico, a place known as Tachbrook-street, which is divided between the parish of St. George, Hanover-square, and the parish of St. John, Westminster; one side of that street is of a higher rental value than the other side, by reason of the difference between the rates in one parish and the rates in the other.

774. On whom would you hold that the rates fall in those cases, upon the occupier or owner?—The rates fall upon the owners of the property, according to my view.

775. The occupier pays the same sum in rent and rates together in both cases?—Yes.

776. But in the one case he pays more rent and less rates, and in the other more rates, and therefore less rent?—Yes, that is so.

777. And the difference therefore comes entirely from the owner of the property?—Yes; you must draw a distinction in this way, there may be, so to speak, two owners of the property, that is to say, the freeholder may be the owner of the ground rent, having granted a lease for 99 years, or some long term in the property to A. B. who has built a house upon it, which he lets at a certain rental. The ground rent has been fixed, having regard to the locality, and the burdens which the house erected upon the land would have to bear; the building owner is the person who however pays the local taxation, because the rates are assessed upon the owner or occupier of the property, according to the rack rental value of the house, which of course includes the interest upon the capital invested in bricks and mortar, and the value of the land upon which the building stands; with that explanation taxation falls upon the owner of the property.

778. If those ground rents were granted many years ago, the taxation would fall, would it not, entirely upon the owner of the house?—Yes; upon the beneficial owner of the lease.

779. Take the case of land that is not covered yet with houses, and suppose a man to have a plot of land with regard to which negotiations are pending for building purposes, would the builder take into account the amount of rates which would be paid upon the house which he put up, or would the owner have to take so much less for his land?—The owner would have to let his land at a less price if the rates were high, than if he had to let his land under similar circumstances where the rates were low; a man cannot afford to give so much for the land when the burdens are great in the parish as he can where they are light.

780. So that a builder would offer a smaller sum as ground rent if the rates were high?—Undoubtedly.

781. Beyond the value of agricultural land, the ground rent represents, does it not, the advantage that one locality has over another in situation?—Yes, certainly; that is to say, the situation of the property determines the value of it for building purposes.

782. In the same way, if a locality is heavily burdened by rates, that would come out of the ground rent in the first instance?—Yes; the ground rent would be diminished in consequence.

783. And therefore, where the ground rents are high, nearly all the rates in the first instance would come out of the ground rent?—A man intending to take land for building purposes would make his calculations as to how much capital he should invest in building the house, what rent he would probably receive for that house after it shall have been built, having regard to the rates which he would have to pay, or the tenant would have to pay, in respect of that house, and he would find from that calculation how much he could afford to give for the land, so as to recoup himself a fair interest upon his capital and pay the ground rent, subject, as the case would be, to rates high or low; it must be varied accordingly.

784. If, then, the rates are so high, he would give less rent?—Yes.

785. And therefore the rates would come out of the ground rent, so long as the ground rent could bear it?—That would be an element.

786. Will you state what proportion the ground rent bears in the best portions of the metropolis to what you would call the building rent?—The proportions vary in different localities, and I will endeavour to illustrate it in this way: if you take a plot of land in Belgrave-square, say 30 feet frontage, and 70 feet deep, and build a house upon it, and assume that the house, when built, will let for 800 *l.* a year, and that the building erected upon that piece of land would cost 7,000*l.* to erect, for the sake of illustration, the difference between the fair interest upon the outlay of 7,000 *l.* and the rent you might obtain for the house when built, represents the value of the ground for that house in Belgrave-square. But if you build a house of the same dimensions, costing

ing the same money, in another neighbourhood not so good, say Russell-square, for instance, then that house costing the same money, 7,000 *l.*, might not let for 600 *l.* a year; consequently the proportion of the ground rent to the rack value, or the proportion of the value in the ground, compared with the value of the house and the ground together, is greater in Belgrave-square by 200 *l.* a year than it is in Russell-square, by reason of the locality.

787. This is your position, that a house which would cost 7,000 *l.* to build might let in Belgrave-square for 800 *l.* a year, and the same house built in Russell-square, costing 7,000 *l.* also, will let at 600 *l.* a year?—Yes, but these figures must only be considered as illustrations.

788. In that case the proportion of the ground rent in Belgrave-square would be 200 *l.* greater than it is in the other situation?—Yes, quite so.

789. And supposing that in Russell-square the ground-rent were 200 *l.* a year, then that would be one-third of the cost, whereas that ground rent would be one-half in the case of Belgrave-square?—No; take Belgrave-square at 800 *l.* a year; take 7,000 *l.* as the capital to be expended upon the house, and take if you will, 7 per cent. upon that expenditure as a return for your money, that is 490 *l.* a year out of the 800 *l.*, leaving 310 *l.* a year, which represents the ground rent. Then, on the other hand, if you take the same interest of the capital in Russell-square or Bedford-square, that would be 490 *l.* out of an assumed value of 600 *l.*, the ground rent would be 110 *l.* That is the distinction between different localities in this metropolis. If you go into the east of London, houses let for so small a sum comparatively, that the proper return for the expenditure of capital in such a locality, forms so large a proportion of the rack rent as to leave a very small ground rent.

790. Would you consider that in poor neighbourhood the ground rent might very likely be not more than one-sixth?—Not more than one-sixth certainly, and sometimes less.

791. When you are called upon to advise upon questions of advancing money, what would you consider a safe ground rent, and for how many years?—That would depend very much upon the class of property; I should be unwilling to advance any money at all upon property in the east end of London, because it is particularly badly used, and very much neglected, and unless I got very high interest for my advance, I do not think I should be disposed to advance money upon it at all.

792. I want you to illustrate the value of the ground rent by this process if you can?—The value of the ground rent, that is to say, the number of years' purchase that it would realise in the market must of course depend upon the proportions of the rack value arising out of the houses, and of the ground rent from it; if you have a ground rent of 400 *l.* a year upon a house, which yields in rental 800 *l.* a year, that is a large proportion of the value of the house, consequently such a ground rent is not so well secured as if the rack value were five or six times the ground rent, because five or six times the amount of the ground rent leaves a wide margin for a great fluctuation in the value of the property, so as to bring it down to anything approaching to the amount of the ground rent itself, whereas if the ground rent be half the proportion of the value, it is possible under various alterations of circumstances and of situation, that the rack value of the house may come down to the level of the ground rent itself.

793. To come to the point of rating, so far as it touches the ground rent, where you have this large margin, as you would have in your assumed instance of Belgrave-square of 310 *l.* out of a rental of 800 *l.*, if the rates were suddenly to rise very much there, in a new case of new lettings and owners, do you think that those rates would come out of that ground rent; I mean, of course, *cæteris paribus*, the demand remaining the same?—It would not come out of the owner of the ground rent as long as the lease lasted; but if that house fell into hand, and the owner, that is to say, the single owner, the freeholder, had that house to let, of course he must let it subject to the rates and taxes then chargeable upon property of that character; he must either take the old rent and let the lessee pay the increased rates and taxes, or he must reduce the rent of the house by reason of the increased amount of taxation; and it comes to this, what will the house bear in the shape of rent, the lessee paying the rates and taxes, if the rates and taxes are so high that a tenant cannot be found to take the house and pay the rates and taxes, and yet pay the old rent; it follows that the landlord must reduce the rent of his house by reason of the taxation that is put upon the house, and that falls upon him; and therefore what I desire to express is, that the taxation, in point of fact, falls upon the owner of the house, where the house is in the actual possession of the freeholder himself; that where the house is upon an unexpired building term, or even an unexpired term of any kind, any increase of taxation for the term of the lease falls upon the beneficial owner of the house, and not upon the freeholder, unless he happens to be also the beneficial owner.

794. You say that taxation would fall upon the freeholder; and in the case of those houses that we have been discussing, where there is a margin of 200 *l.*, and where there is a wide margin, and the ground rent represents a large proportion, it might bear the taxation?—No; that depends upon whether my imaginary house in Belgrave-square will realise 800 *l.* a year, if you raise the rates of that parish to 10 *s.* in the pound; but if you cannot get a tenant to pay 10 *s.* in the pound and 800 *l.* a year also, then you must take it off the rent.

795. Taking that extreme case, 10 *s.* in the pound would represent 400 *l.* a year?—Yes.

796. And the assumed ground rent being only 300 *l.*, if this 400 *l.* of rates were put on, the ground rent would be entirely exhausted, and the rest would accordingly have to fall upon the beneficial owner of the house, or upon the occupier?—Yes; but you see that that would not touch the holder of the ground rent.

797. I am assuming a good letting?—Then the ground rent is merged in the general rack rent of the premises.

798. Now go to the other case in the east end, where you state that the ground rent might not be more than one-sixth, and take a house worth 60 *l.* a year for the sake of argument; 10 *l.* will then represent the ground rent; and supposing that

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that the rates rise in that place by 5 *s.* in the pound, that is one-fourth, and that one-fourth upon the 60 *l.* would be 15 *l.*; of course that could not be borne by the ground rent, because the ground rent is only 10 *l.*?—Quite so.

799. Does not it therefore come to this, that in proportion as the ground rent is smaller, the owner is likely to bear less of taxation?—He does not bear any during the existence of the lease, as I have already endeavoured to explain.

800. You and I are assuming different cases; my question assumes cases where there is a fresh letting?—Then the proportion of the ground rent to the rack rent has nothing to do with it, because it is merged into the rack value of the property.

801. But though it is merged, a portion represents the ground rent, and a portion represents the building rent?—If I understand your proposition it is this, that a house which lets at 60 *l.* a year, stands upon ground which is represented in value by 10 *l.* a year; but if you impose a rate upon it equivalent to 5 *s.* in the pound, you are in point of fact deducting 15 *l.* from the gross value, and so you are depriving the house of the value of the land, and 50 per cent. above it.

802. We will take the case of a plot of ground in the east end, which is not covered with houses, and where the ground rent would be worth 10 *l.* a year; a builder says, I can get 60 *l.* rent, and no more for a house built upon it; how far then would the question of rates enter into the consideration; might not the rates stop the building altogether?—The man calculated in this way: to build a house that will realise me 60 *l.* a year will cost 600 *l.*, and I must get 8 per cent. upon that (or some other interest which he puts down as a fair interest upon his money); and I have to calculate upon interest and loss of rental, and a variety of other contingencies, and I must get 60 *l.* a year for it, otherwise I shall not be able to make a successful speculation, particularly as I know that the rates in this parish are 5 *s.* in the pound; therefore I cannot afford to give you more than a certain ground rent, otherwise, I cannot build this house and get a fair return for my money. So that every man who has to build a house calculates beforehand, and he begins first of all, by the probable rent that he shall be able to get for the house. I will illustrate that: there is a plot of land in Parliament-street now vacant, very near the Whitehall Club; that ground has been recently let by the Government for 99 years, at 425 *l.* a year ground rent. To build a house upon that, will cost 6,000 *l.*, and the house when it is finished will let out in offices at a gross rental of 1,000 *l.* a year; but the person so letting out the house in chambers takes upon himself the rates and taxes. Therefore you have to take 20 per cent. off the gross rent of those outgoings, which brings it down to 800 *l.*; consequently, the man who spends his 6,000 *l.*, gets 6¼ per cent. for his money, but because he has 800 *l.* net rental, and he has 425 *l.* a year to pay, and the difference is represented by 6¼ per cent. upon his outlay; and that is the way I have no doubt the valuer in that particular case assessed the value of that land, by ascertaining what the house would let for, and what the rates and taxes would be upon it, leaving the residue as the value of the ground.

803. In that case, the value of the gound is diminished by the rates and taxes?—Yes, certainly.

804. And that comes entirely out of the pocket of the owner?—Quite so; if there had been no rates and taxes, and the man could have got 1,000 *l.* a year out of this property, he would, of course, have got 200 *l.* a year more rent than he would get now; but the ground landlord would say, as there are no rates and taxes, instead of 425 *l.* a year ground rent, I must have 625 *l.*, because the value of the house is due to the site, and the site is mine, and therefore, all but a fair interest upon your outlay, and a fair allowance for the deductions which your outlay will entail upon you, is mine, the ground landlord's; therefore we will assume that the Government have parted with this land at 425 *l.* a year, upon the assumption that the rates and taxes in that parish are 4 *s.* in the pound altogether; if they should go up to 6 *s.* in the pound, that additional 2 *s.* will be borne by the man who is going to build the house.

805. Mr. *Ayrton.*] Unless he can get a higher rent for his house?—Yes, certainly, unless he can get a higher rent for his house; but on the other hand, if, by the combination of parishes, that is to say, the amalgamation of St. George, Hanover-square, with the two parishes of St. Margaret and St. John, the high rates which now prevail in St. Margaret's and St, John's be reduced, then the building owner will get the advantage of it.

806. *Chairman.*] As regards competition, what I assume is, that all causes of competition will remain in full force and modify whatever rise and fall there may be; but when you say that the taxes will either increase or decrease the rent, you assume that competition remains stationary?—I do not understand what you mean by competition.

807. The competition of people for houses; what I mean is this, that if there are two houses being built at different periods, and the competition for houses becomes' greater, of course you will be able to recoup yourself for the taxes?—No doubt.

808. But even if the taxes have been increased, it would, if competition had increased, be possible for you to get so much more rent notwithstanding?—Quite so; but there is a limit which puts a stop to competition; for instance, if you tax the house in Parliament-street at 10 *s.* in the pound, you must take it out of the pocket of the building owner, unless he can find tenants to take his chambers who are willing to pay the very high rent which the 10 *s.* in the pound imposes upon him; there is a limit; you might raise the taxes throughout London, as I have known them raised in parishes in the country, to 18 *s.* in the pound at one time, and you might by that entirely destroy a man's property; he could not get a tenant; therefore he must pay it himself, and get what rental he could.

809. Mr. *Ayrton.*] Would not it depend in fact upon whether the charge was put upon a single house or whether it was imposed upon all property?—Take an office, or take the house in Parliament-street, of which I have been speaking. To meet any increased rate of taxation, instead of paying 200 *l.* for a floor, you must ask a man to pay 300 *l.* for a floor; the man says, I cannot afford that, instead of living in your house in Parliament-street I must go into College-street,

reet, where I can get the same accommodation t a less rate.

810. *Chairman.*] But so far as a man is bound o live in a certain place, so far the owner will ave a great advantage in being able to screw up ne occupier?—Yes, if he is obliged to live in a ertain place; but those are very rare occurences.

811. Supposing that they must live within a ertain area; take a dock labourer for instance; e must live within a certain area in order to be t his work in the morning?—A great change as come over that, because the trains bring hose labourers from the country at an early our in the morning. That which prevailed a ew years ago in the heart of London is somehat changed now, and will be changed more as people get more accustomed to going by those heap trains.

812. To go back upon one point which you ouched before, in the East-end of London where he ground-rents are low, and where therefore no very great portion of the rates can be thrown upon the ground-rent, would not the high rating have the tendency of checking building?—Yes, certainly it would; because a man can only reasonably expect to get a certain rent in such a situation. The cost of building remains the same, and therefore if the rating is very high it must come out of the interest upon the capital that he is investing in building the house; it must be in diminution of the profit.

813. Then it would come out of the increased rent paid by the occupier if the owner were able to screw him up higher?—Certainly, if he could; that is to say, if the occupiers of the houses had the means and the will to pay increased rents.

814. But he might have got that increased rental all the same if the occupier were willing to pay it without the taxes having been imposed?—That depends upon a variety of incidental circumstances.

815. In your general experience, have the rents in London fallen with the increase of rates?—I have not had sufficient experience in the letting of houses; it is not my business to let houses. If I had the letting of houses like a house-agent I should be able to answer you that question with accuracy, but I am not able to do that.

816. But as regards the valuation of property, is it not the fact, that the value of house property has increased generally?—According to my experience, property in the western parts of the metropolis has increased very much in value; property in the City of London has of late years increased immensely. It is rather at low water at present, by reason of the panic which prevailed in 1866; before that, the prices were fabulous; but in all business premises in the city, as well as in the west end of London, rents are very high indeed. In the neighbourhood of Russell-square and that district, rents fell a few years ago to a very low ebb, but they are now gaining ground again. I think about the neighbourhood of Islington, although my experience has not been great, and my opinion is not worth much, property has rather diminished in value.

817. I am looking at it, at present, simply from the point of view of the great increase there has been in the rates, and I am anxious to know whether that increase of rates has had the effect of diminishing the rents?—I am not able to give you any correct answer to that question, for the reasons which I have already stated.

818. If there had been a diminution of rents in consequence of the increase of rates, then it would look as if the rates had come out of the pocket of the owner?—Unquestionably.

819. If it had been the other way, if rents had risen while rates had also risen, then one could not trace whether it had been paid by the owner or the occupier?—Yes, you can trace this, that notwithstanding the increased rates, the value of the property in a particular locality has also so increased as to bear that additional burden, and but for that burden would have increased to a greater extent.

820. May not there be instances that in many cases the occupiers have practically to pay more rent than they paid before, and more rates than they paid before?—As a rule you may say that is so in the parts I have mentioned.

821. Have you considered, looking at the value of property and the position of ground rents, how far it would be fair to put the rates upon the owner instead of upon the occupier?—I must now go back again to what I started upon; take the two owners, which owner is it that you mean? Do you mean the owner of the fee or the building owner?

822. We will take the owner of the fee first?—The owner of the fee has made a contract with a man to let him have a lease for 99 years of a certain piece of ground, for a certain rent, for better or for worse, for high rates or for low rates, and therefore it is impossible, I think, to touch him.

823. Are the leases falling in now, many of them?—That is impossible to say; they are so various. Some of the Marquis of Westminster's estate, Belgravia, I suppose has 60 years yet to run; in Grosvenor-place some of the leases fell in the other day, and Lord Westminster pulled the houses down and let the ground upon building leases for 99 years, upon which fine palaces have been erected. The Marquis of Westminster has parted with all his interest in that property for a yearly payment of so much a year for each house for 99 years, and you cannot reach Lord Westminster as regards his ground rent upon each of those houses, because he will say I made a contract with my lessee to pay all rates and taxes, and other impositions, parochial, Parliamentary, or otherwise; and so also with the house in Parliament-street to which I have referred.

824. You assume this, that on the whole the ground rents are nearly all covered by contracts, under which the tenant pays all the rates?—Yes, and not only that, I will not confine it simply to ground rents; I will take the case, which is not at all infrequent in this metropolis, of leases granted for 21 years. You grant a lease for 21 years at 60 *l.* a year, the lessee covenanting to keep the house in repair, and to pay all rates and taxes of every description except landlords' property tax.

825. Mr. *Ayrton.*] The only way consistently with your views of contract, by which the owners may be made to bear the burthen, would be to increase, or to preserve, the income tax at a high figure, and apply the fruits of it in reduction of the burthens which now press upon the community by means of local taxation?—That is a question of political economy upon which I cannot venture to give an opinion.

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826. I mean if you stand upon the letter of the law, the letter of the law would bring us to that conclusion, would it not, if policy were to suggest the expediency of making one class of the community bear the burthens rather than another?—Yes; but that is a question for a political economist and not for a surveyor.

827. *Chairman.*] What would be the effect upon the owner of the fee, in the case of granting a new lease for 99 years, if you were to prohibit a contract as regards rates as you have done with regard to the landlords' property tax; supposing you were to put the rates upon that footing, namely, that the landlord cannot covenant with his tenant that he should pay his rates, then, would not the increase of rates from that time be on the owner of the fee and of the ground rents in the same way as the property tax is now?—If you prohibit a man from making a contract with his tenant upon any terms that he thought fit, other than the terms prescribed by the Act of Parliament, of course you can do it.

828. But does not the Act prescribe that, as regards the property tax?—Yes, it does; bu take the case of the sewer rate; that is a tax upo property of every description; I recollect per fectly well, when the sewers' rate and rates o that particular kind were assessed as the land lord's property tax now is, and it was though that the landlord was going to pay it; and so th landlord did pay it when there was an existin unexpired term of a lease, and the tenant di not covenant to pay it; but the moment the leas was out, the landlord said, "I do not car about it being a landlord's rate; you must pa it;" and the tenant does pay it. I deal with thos things in practice.

829. Mr. *Ayrton.*] You think that the tenan always covenants to pay sewers' rates and a rates?—Yes, now it is so.

830. *Chairman.*] Nevertheless, as far as re gards the property tax, the effect of legislatio has been this, that the ground landlords ar reached by that tax, and they are not reached b the rates?—Quite so.

Tuesday, 22nd March 1870.

MEMBERS PRESENT:

Mr. Acland.
Mr. Ayrton.
Mr. Backhouse.
Mr. Birley.
Colonel Brise.
Mr. Corrance.
Mr. Goschen.
Mr. George Gregory.
Mr. Hunt.
Sir James Lawrence.
Sir Massey Lopes.
Mr. Pell.
Mr. Rathbone.
Mr. St. Aubyn.
Mr. Charles Seely.
Mr. William Henry Smith.
Mr. Walter.
Sir Frederick Williamson.

THE RIGHT HONOURABLE GEORGE JOACHIM GOSCHEN, IN THE CHAIR.

Mr. THOMAS HUGHES EARLE and Mr. GEORGE ARTHUR WEBB, called in; and Examined.

Mr. *T. H. Earle*, and Mr. *G. A. Webb*.

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831. *Chairman* (to Mr. *Earle*).] You are the Clerk of the Peace of the County of Hampshire?—Yes.

832. And Mr. Webb is your chief clerk, is he not?—Yes.

833. Can you state the purposes to which the county rate is applied, exclusive of police?—The county rate is first applied in the payment of expenses of prosecutions at sessions and assizes, and summary convictions before the justices. It is applied in the payment of the expenses of the county prison, in the conveyance of prisoners by the constabulary to the county prison, in the payment of the expenses of criminal and pauper lunatics confined in county lunatic asylums chargeable on the county, the payment to reformatories, the expenses of inquests, the maintenance of county bridges and roadways adjoining the county bridges, the maintenance of militia stores, the maintenance of the county hall, and other county buildings not connected with the prison or police, the payment of the salaries of public officers belonging to the county, and the necessary office expenses, such as printing and advertising, law costs, and the expenses connected with the preparation of the voters' lists, and the various registers of the county, the payment of interest on the county debt, and the repayment of the principal by instalments. Those, I think, are all the items that occur to me as those to which the county rate is applicable.

834. There are also, are there not, the expenses of the inspectors of weights and measures?—Yes; but that is a small sum, consisting of payments out of pocket, which are charged to the county; but the county receive from the inspectors the fees paid by the parties whose weights are inspected, and which as nearly as possible balance the payments out of pocket; in fact, more than balance.

835. As regards the police rate, is that levied with the county rate in Hampshire?—It is levied at the same time as the county rate, but it is a separate item of rate.

836. Can you state to the Committee what separate items of rate there are besides; do you divide your rate into two, the county rate and the police rate, or are there other items?—The ordinary rates are the county rate and the police rate. There has been the last few years an extraordinary rate, the cattle plague rate, but there is no other rate.

837. You do not levy the lunatic asylum rate separately?—We have no lunatic asylum rate.

838. Is there a county shirehall rate?—We have no such rate.

839. Can you state how it is that you have no lunatic asylum rate?—Yes; the ordinary annual expenses in respect of the lunatic asylum which fall upon the county are very small. Irrespective of the debt which was first incurred in building the asylum, the only annual expenses are the maintenance of those lunatics who are properly chargeable upon the county, and they are very few in number, being criminals and paupers who have no parish to which they belong. The only large payment made by the county in respect of the lunatic asylum is for interest and instalment of principal on the debt borrowed when the asylum was built. When the asylum was built, 63,000 *l.* was borrowed, and that has been gradually discharged, and now there is 27,000 *l.* owing. The amount paid last year on that was about 3,000 *l.*

840. Do I understand that the lunatic asylum is almost self-supporting, except as far as the cost of building is concerned, as far as the county is concerned?—Yes, that is so.

841. Sir *James Lawrence.*] Does not all the repairs of the lunatic asylum come out of the county rate?—No, practically they have not been charged on the county rate. The lunatic asylum has been self-supporting, and certain small repairs have been done out of the funds of the asylum.

842. If they are out of the rate contributed by the parishes, then you are charging the parishes with the maintenance of the asylum, with reference to the affairs of the asylum?—Yes.

843. *Chairman.*] Are the Committee to understand that the amount which you recover from unions, and from private persons who may be lodged in the asylum, and who pay all the receipts of the lunatic asylum, together, cover the annual cost,

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cost, except so far as you have to pay for criminal lunatics and pauper lunatics?—Yes, that is so.

844. (To Mr. *Webb*.) Are we to understand also that you divide all the incidental expenses, such as small repairs, over the cost per head, which you charge in respect of lunatics in the asylum?—There is a separate building fund to which the contributions are paid by boroughs, not contributors to the county rate; and the amount paid into that building fund is sufficient to meet the ordinary repairs of the asylum.

845. Will you state a little more fully the position of the boroughs, with reference to your county lunatic asylums?—There are the borough of Southampton, the borough of Portsmouth, the city of Winchester, and the borough of Andover in the county that do not contribute to the county rate, and lunatics who are confined in the asylum, who are chargeable to those boroughs, are chargeable at a different rate to what the boroughs situate in the county contributing to the county rate are, the difference being applied as a building rate in pursuance of the Act.

846. Have you ever heard any complaint from the boroughs as regards that difference?—None.

847. Could you state to the Committee how much per head the difference is?—It is 3 *s.* per head; the ordinary charge being 8 *s.* 9 *d.* to the unions, parishes, and boroughs contributing to the county rate; the charge to out counties and non-contributing unions, parishes, and boroughs varying from 10 *s.* 9 *d.* to 11 *s.* 9 *d.*

848. Why is one 10 *s.* 9 *d.* and the other 11 *s.* 9 *d.*?—I believe the difference is with regard to the out counties; there were some chargeable to Barnet, Barnstaple, Lincoln, &c. I think there is some difference made in the charge for those outside of the county.

849. Can you state any reason for that difference?—No, I cannot.

850. Is it an old custom?—It has been for some years.

851. How long have you been connected with the county?—Eighteen years; but then I should mention that the clerk of the peace and the clerk of the peace's office has nothing to do with the asylum; the clerk of the asylum and the clerk to the visitors in the county of Hampshire is another person.

852. Can you state this for the information of the Committee; assume the case of a union which is partly in and partly out of one of those boroughs, that you have mentioned, what would you charge to a lunatic coming from that union?—The New Winchester Union is an exact example of that. In the New Winchester Union there are certain parishes situate within the county wholly, and certain parishes situate partly within the county and partly within the city of Winchester, and there there will be an average struck according to the proportion to which the parish contributed to the county or the city rate, as the case may be. If small, an allowance would be made, and if a large, a larger allowance would be made, and in some cases it would approach the maximum charge.

853. As a matter of fact, besides the cost per head which you charge generally to those parishes which contribute to the county rate, and besides the cost per head that you charge to those that are in boroughs, there is another rate which you charge when a parish is partly within and partly without a borough, and you do that upon an average?—Yes, upon an average.

854. And that average differs, of course, from the other two?—Yes.

855. Mr. *Pell*.] Who strikes the average?—The visitors sanction its being done at the asylum; it is a matter of calculation as to the different quotas at which those parishes are assessed, and then it is arranged with the visitors and the parties who are chargeable with the maintenance of the lunatics.

856. *Chairman*.] As regards the building fund; has the building fund any other sources of receipt except this difference, which is paid by the parishes; and, if so, what?—Not ordinarily.

857. But extraordinarily?—If an alteration exceeding the amount limited by the Act of Parliament for repairs and alterations were required, then an order of sessions would be necessary, and would be granted for expending a certain sum of money.

858. And that sum of money would come out of what?—Out of the county rate; but then in Hampshire a sum of money which was so expended has been repaid; it was merely advanced by way of loan.

859. You mean that it has been repaid out of the building fund subsequently?—Yes.

860. Do you happen to know what proportion the lunatics sent by those boroughs which you have enumerated bear to the total number of lunatics from other boroughs?—There is only one general total, and they are not kept separate, so that I could not tell that at this moment; but it is a very small proportion now, because there has been a removal of a large number of lunatics from both the boroughs of Southampton and Portsmouth within the last two years, as the number of lunatics chargeable to boroughs not contributing to the county rate at this moment is rather small.

861. Sir *Massey Lopes*.] Are you aware that the Home Secretary lately refused to ratify this arrangement taking place between the county lunatic asylums and the boroughs?—I am not aware, as regards Hampshire, that that has been so. In 1869, when the Lunatic Asylum Report was presented to the Session, it was stated as a fact that there had been a large number of lunatics chargeable to the boroughs of Portsmouth and Southampton discharged, and that further discharges would be necessary in the course of the ensuing year; and, in fact, now there are very few indeed in the asylum, and they are gradually diminishing altogether.

862. Then you will be no longer able to depend upon that sum which you have been receiving from those lunatics for the maintenance of your building fund?—No.

863. I understand that up to this time, or rather up to last year, the arrangement for all the lunatic asylums in the counties was, that they might take in lunatics from the different boroughs and charge them a fixed amount, and that that amount was something like 3 *s.* beyond what you charged for the county lunatics?—Yes.

864. And that the amount which you received, over and above that which was chargeable for county lunatics, went to your building fund?—Yes.

865. And if the Commissioners insisted upon your increasing the lunatic asylum or not, that amount was made up from what you received over and above from those borough lunatics?—Yes,

Yes, that is so; and the expenses to which I referred just now, of the important alterations, have been paid out of this fund, there having been, since the lunatic asylum was originally built, very large additions made to it.

866. So that that building fund will now cease?—Yes, or very nearly so.

867. And that expenditure will now come upon the county rate?—Yes.

868. Therefore there will be an increased expenditure upon the county rate?—Yes, that will be so.

869. *Chairman.*] How much, on an average, have you had per year upon that building fund?—It is only given in the general statement as a lump sum, including maintenance, but the estimate for this year is about 800*l.* for the building fund.

870. Sir *Massey Lopes.*] Then that amount will be an additional expenditure upon the county rate?—Yes, or nearly all.

871. Do you happen to know whether the Home Secretary has refused to ratify all those arrangements with the boroughs now?—Not in Hampshire, certainly. It has not been before the Home Secretary, so far as regards Hampshire.

872. You mentioned Southampton, did you not?—Yes; but then that is a town and county of itself.

873. But still you have, up to this time, been taking in pauper lunatics, and you can do so no longer?—By contract with them we can, I believe. It is the county that have discontinued it, in consequence of requiring the room for county purposes. It is not that the town and county of Southampton, or that the borough of Portsmouth, have taken away their lunatics, but they have been requested to do so by the county, because the wards have been required for strictly county lunatics.

874. But the Lunacy Commissioners have compelled the county to do so, have they not; that is to say, they have insisted upon there being more room in the lunatic asylum for the county paupers, and therefore there would not be sufficient room for the borough lunatics?—No, that is not so. I believe the Visiting Justices have done it of their own accord, as they found it necessary, and as they found the wants of the asylum increasing for county purposes strictly, then they gave notice. In fact, for several years past it has been constantly mentioned to the court that this want of room was arising, and they proposed to deal with it in that way rather than by enlarging the asylum.

875. Mr. *Hunt.*] Is not this the case, that in your county when the asylum was first built, provision was made for a larger number of patients than the county at that time had within it?—Yes.

876. And that they were able to make contracts with boroughs, and in some cases with other jurisdictions outside the county for the reception of a certain number of pauper lunatics?—Yes.

877. And in the difference between the charge made to the unions within the county, and to outsiders, was in fact in the nature of a rent for the use of the building?—Yes.

878. And therefore there would be that repairing fund, which you call the building fund?—Yes.

879. But as the wants of the county increased they were not able to take in the outside patients to the same extent?—There is no contract with outside counties; those are exceptional cases.

880. I mean this, that the county were not bound to provide it?—No, it was by a special agreement with them.

881. Then as the wants of the county increased, they were not able to receive so many from the boroughs, or from outside the county?—No, and they were gradually diminished.

882. If they had not originally provided more room than they themselves wanted, they would have had to raise an additional sum, in order to have added to their lunatic asylum?—Yes, that would be so.

883. According to law, the repair of the lunatic asylum falls upon the county rate, does it not?—Yes.

884. It is more in the nature of an accident, so to say, that this building fund has enabled them to repair the building without coming upon the county rate; it is owing to the arrangement having been made that they originally provided more room than they themselves wanted?—Yes.

885. Sir *James Lawrence.*] Practically, the whole of the repairs of the asylum have been paid by the boroughs, and no charge has been thrown upon the county rate?—Yes, that is so; and in addition to that, on one occasion a sum of money was paid over from the asylum to the county rate in liquidation of the debt.

886. Mr. *Hunt.*] A fairer way of putting it is this, is it not, that the county let a part of their buildings to the boroughs?—Yes, that is so.

887. And the rent of the part of the buildings that they did not want, was put into the repairing fund?—Yes.

888. Sir *James Lawrence.*] The whole of the repairs of the asylum were paid by the boroughs, so that no portion of the repairs had to be charged upon the county?—Yes, that is so; but then those boroughs that paid this additional rate had borne no portion of the cost of erecting the asylum.

889. Mr. *Birley.*] What arrangements are the boroughs now making for the reception of pauper lunatic patients?—The lunatics for the borough of Portsmouth and the borough of Southampton, which are the two principal ones in the county, are now, I believe, scattered; they are really getting them into different asylums where they can make contracts and agreements for their reception. At present there is no asylum for either of them, either jointly or separately.

890. Where will the Winchester and Andover pauper lunatic patients go to?—They will be dependent upon arrangement with some other asylum.

891. Mr. *Backhouse* (to Mr. *Earle*).] I think you say that 63,000*l.* was borrowed to build this lunatic asylum, and that there is a debt of 27,000*l.* still due; has no part of the balance, 36,000*l.*, been paid out of the county rate?—The debt has been paid off out of the county rate. It is paid every year by certain instalments, and charged to the county rate.

892. Not as a separate lunatic asylum rate?—No, certainly not.

893. Mr. *Corrance* (to Mr. *Webb*).] The charge is under the 9th of Geo. 4, c. 40, and this is a special rate under that Act, is it not, or is it repealed?—The lunatic asylum was built under the 8th & 9th Victoria, c. 126, which repealed 9 Geo. 4, c. 40.

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894. But the charge by the special rate had been previously made under the 9th of Geo. 4, c. 40?—No; the charge of 63,000 *l.* was created under the 8th & 9th Victoria c. 126, which repealed the 9th Geo. 4, c. 40.

895. Scarcely so, because the specialised rate was made by the 9th of Geo. 4, c. 40, and the same power is contained in the other Act, or has it been since consolidated with the county rate under an Act of Parliament?—This was raised by a loan, and it was borrowed from a public office.

896. Does the county under this Act now raise the lunatic asylum rate as a special rate, or does it raise it as an integral part of the county rate?—For the purposes of repayment of the loan it is an integral part of the county rate.

897. It falls, does it not, upon a different basis assessment from the poor rate?—Yes.

898. And it is not always uniform?—No, it is not always uniform.

899. (To Mr. *Earle*.) In fact, there may be very wide discrepancies between its incidence and that of the poor rate as to the property that it falls upon in the one case and the other?—Yes; they are independent.

900. (To Mr. *Webb*.) Has not a revision of the county rate taken place about once in every 10 years?—Oftener in Hampshire.

901. How often in Hampshire do you revise it?—The basis was entirely revised in 1863, and it was again revised in 1866–67.

902. Subsequent to the late Valuation Act?—Yes, subsequent to the late Valuation Act.

903. (To Mr. *Earle*.) Do you know any reason why this lunatic asylum rate, devoted as it is to paupers, for these special purposes, should be raised upon a different basis of classification from the poor rate generally?—We have never had an asylum rate.

904. (To Mr. *Webb*.) In answer to a former question, you stated that it has now, in practice, in many counties in Englamd, fallen upon a different basis of property from the poor rate itself?—The county rate is upon a different basis in some cases; but I did not state that in many counties it fell upon a different basis of property from the poor rate.

905. Do you know, from your own practice in your own county, whether there is any reason why this rate for these special purposes, connected with paupers and certain classes, should be raised upon any other basis whatever, or separately, from the poor rate itself?—There is this to be said, that the Act of Parliament which required the county justices to build this asylum imposed upon the county rate the repayment of this debt, and, therefore, it must be upon the county rate basis until that debt is discharged, or until otherwise provided by the Legislature.

906. Mr. *Walter*.] Can you state what difference there is in the assessment between the county rate and the poor rate in Hampshire; for instance, what would a rate of a farthing in the pound on the county rate produce, and what would a rate of a farthing in the pound on the poor rate assessment basis produce?—A rate at a farthing in the pound for county purposes would produce 1,596 *l.* 8 *s.* on the present basis.

907. And what would the poor rate be?—I cannot give the exact figures, but it would be less than that sum, although not very greatly under it at this moment, because in 1867, when the county rate basis was revised, the amount of the assessment list was accepted by the county rate committee in a large number of instances, so that the discrepancy now is not very great.

908. *Chairman* (to Mr. *Earle*).] Do you know whether the number of lunatics have very much increased in your county?—Yes, I believe there is a great increase.

909. (To Mr. *Webb*.] Can you state in an interval of 10 years what the increase has been?—In 1869 there was an increase of 10, as compared with the number at the corresponding period of last year.

910. What is your aggregate number?—619.

911. Do you happen to have any figures for back years, taking a good interval back, or would you remember, from having been there 18 years, what increase there has been in the last 18 years?—I may say that in the asylum in 1853, the number remaining on the 25th of December was 230; in 1864, 574, and in 1868, 619; and I may say that, whereas when the asylum was first built, containing 420, or thereabouts, it was much too large for the purposes of the county, now although it can contain 625, it is not too large for the purposes of the county.

912. How many does the lunatic asylum contain?—630 in 1870.

913–14. Do you trace any increase of pauper lunatics chargeable to the rates to the effect of the Union Chargeability Act?—There has been a considerable increase on that account.

915. Were those numbers that you have given county patients only, or were they the total in the asylum?—That was the total in the asylum.

916. Sir *Massey Lopes*.] Is it on account of the great increase of the county lunatics that the visitors have been obliged to dispense with taking in borough lunatics?—Yes.

917. *Chairman*.] (To Mr. *Earle*.) Can you tell us roughly the amount which you spend annually upon your pauper and criminal lunatics chargeable to the county?—It was about 400 *l.* last year.

918. You stated before, did you not, what the amount was which you pay annually towards the discharge of the debt and the interest?—Yes; last year we paid towards the discharge of the debt on the lunatic asylum 3,100 *l.*, leaving due 27,300 *l.*

919. Will you state to the Committee what is the average amount of your county rate; how much is it in the pound?—This last year the county rate was 2 *d.*

920. How much did that raise?—A halfpenny rate would raise 3,192 *l.*, and a twopenny rate would raise 12,770 *l.*

921. Is that exclusive of police rate?—Yes.

922. How much is your police rate?—The police rate last year was 3 *d.* in the pound.

923. That would be how much?—That would be about 18,380 *l.*

924. Of that 12,000 *l.* county rate, about 4,000 *l.* would go to the purposes of the lunatic asylum, would it not?—We paid off 3,100 *l.*

925. And 400 *l.* it cost you for pauper and criminal lunatics chargeable to the county?—Yes.

926. So that 3,500 *l.* was due to the lunatic asylum?—Yes, and more than that, there was the interest. (Mr. *Webb*.) As to the actual figures, the amount that Mr. Earle has just mentioned is the repayment of principal only, and there is an amount payable for interest on account of the lunatic asylum debt in addition, which was 989 *l.* last year, and that would make up another 1,000 *l.*

927. (To Mr. *Webb*.) You get 4,400 *l.* altogether

gether for the purposes of the lunatic asylum?—Yes.

928. Or more than one-third of the county rate?—About one-third; and for this reason, that last year there was an exceptional 1,000 *l.* paid off; the proportion due was 2,100 *l.*, but there was 1,000 *l.* specially applied towards the repayment of the county debt.

929. (To Mr. *Earle.*) How much do you spend upon your county bridges?—Last year we spent 646 *l.*

930. Is that the average amount?—I should think that that is quite the maximum amount. In the accounts of the year before it was 461 *l.*; in the year before it was a much larger sum, being 1,100 *l.*; there was a rebuilding of two bridges in that year.

931. As regards another purpose, namely, militia storehouses, what can you state to the Committee upon that?—The militia stores exclusive of payments by boroughs cost us last year 191 *l.*, and in 1868 our expenses for militia were about 118 *l.* (Mr. *Webb.*) The Committee can have the exact figures of the cost. In the way Mr. Earle is proposing to do it; he was not aware quite that some boroughs paid two years in one; and those figures are not quite to be relied upon. (Mr. *Earle.*) The boroughs pay by irregular payments, but the actual expense to the county in that year happened to be a mere nothing.

932. Can you state the general amount; what do the boroughs pay towards it, and on what principle?—The boroughs pay by a sum fixed by arbitration.

933. (To Mr. *Webb.*) Upon what basis?—It was in this way, that after the passing of the Militia Law Amendment Act, the Secretary of State for War appointed an arbitrator under the Act, and he required to be furnished with the amounts of the valuation of the county property, and the amounts of the valuation of the properties in the boroughs not contributing to the county rates; and upon that he fixed the quota that the boroughs were to pay, varying from 1 *l.* up to 10 *l.*

934. But the whole amount, as far as regards your county, is insignificant?—Quite insignificant.

935. It is not an important element at all in your county expenditure?—No.

936. Colonel *Brise.*] How many militia regiments are there in the county?—Three.

937 Sir *Massey Lopes.*] Is the sum for the militia a statutory payment?—Yes.

938. That is the same with lunatics also, is it not?—Yes.

939. The ratepayers have no option whatever with regard either to the payment towards lunatics, or the militia?—None.

940. (To Mr. *Earle.*) And they have no control over it?—As to the militia the words of the statute are, that the counties are to provide fuel, and such other necessary things as are requisite for the maintenance of buildings and store.

941. Do the Government pay any contribution at all towards lunatics?—None.

942. It is all paid by the ratepayers, is it not; it is compulsory upon them, and they have no choice?—Yes, they have no choice.

943. Mr. *Corrance.*] In your county, how are the bridges repaired; is it always by order of the Quarter Sessions?—By order of the Committee of Public Works.

944. Are they not sometimes repaired by order of the justices for sums under 20 *l.*?—Never, that I am aware of It is done by the public works committee, never by order of the sessions at petty sessions, or by individual justices. All public buildings are repaired and the expense upon public buildings is under the control of a committee appointed for that purpose.

945. Are you aware that two justices can give an order for any sum under 20 *l.*?—Yes, that is so; but for many years the practice of giving orders by the justices in divisions has been discontinued, we having a public works committee in the county who take the charge.

946. Are you aware that the former practice of the justices when the expenses came to more than 20 *l.* was to give successive orders, the first being for 20 *l.* and the next for 20 *l.* more, and so on?—I am not aware of any instance of that kind having occurred in Hampshire.

947. Where you have a highway district, what arrangement is made with the county about county bridges; do they fall under the same arrangements as ordinary petty sessions?—We have entered into contracts in several cases to keep the roadways adjoining the bridges in repair.

948. Have you a surveyor?—Yes, we have a county surveyor.

949. What do you pay him a year?—£ 230 a year.

950. Do you know how many bridges he surveys?—A great number; nearly 120, I should think.

951. *Chairman.*] Is that 230 *l.* included in the column for county bridges?—No, it is included under public officers.

952. Mr. *Corrance.*] You say that you do this under contract; is there any reason why those county bridges should be paid for out of the county rate, or in any separate form if the districts themselves were consolidated?—It is by Act of Parliament; there is no other reason for it. In fact, it is impossible to make a new county bridge. The reason why it is a county bridge, is because it has been so from time immemorial, or for a very long period of years.

953. You find yourselves sometimes under difficulties, do you not, from that reason?—Sometimes the question arises whether the bridge is a county bridge.

954. Do you consider it is better, on the whole, that the whole thing should be done under one authority, that is to say, that the rate should be levied under one authority, and the county bridges, and the part of the road belonging to the bridges, should come under one common authority with the road itself?—Yes, I should think so.

955. *Chairman.*] As regards the county prisons, what is the cost of the prison to the county?—The gross cost of the prison for the last year was 7,874 *l.*

956. Will you explain what you mean by the gross cost, and then what was the net cost?—I say the gross cost, because there are certain payments in aid made from various sources which relieve the ratepayers; for instance, there is an allowance made by the Treasury for the maintenance of prisoners which, last year, was 1,496 *l.* The boroughs who send their prisoners to the county prison paid last year 870 *l.* The Admiralty and the War Office, who confine their prisoners in the county prison paid for maintenance 1,027 *l.*

957. That was besides the 1,496 *l.*?—Yes, quite

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quite independent of that. The payment for the maintenance of individual prisoners, and the earnings of the prisoners, including small rents of cottages and things of that sort, amounted to 734 *l.*, so that that left a net expense upon the ratepayers of 3,746 *l.*

958. Mr. *Walter.*] Is it the Winchester Gaol that you are speaking of?—Yes, the Hants County Gaol at Winchester.

959. *Chairman.*] Can you state to the Committee the arrangement under which the Government contributes to the maintenance of the prisoners?—I believe that it is entirely arbitrary, and that the Government pay what they please.

960. *Chairman* (to Mr. *Webb*).] Have you anything to add to that as regards prisons?—No, that is so; they pay a fixed sum without reference to the cost of the prisoners for the particular year.

961. Mr. *Walter.*] Does the sum that you have stated include salaries?—Yes, it includes the salaries of officers and all establishment charges.

962. *Chairman* (to Mr. *Erle*).] Can you state the law under which the Government contribute towards the maintenance of those prisoners?—I believe that there is an Act passed yearly, by which a certain sum is set apart for the payment of the expenses of prosecutions in counties, and for the maintenance of prisoners.

963. (To Mr. *Webb*). You have been connected with the county business for 18 years, can you state what amount per head, from year to year, has been paid by the Government for maintenance?—Previously to the opening of the new prison, in the year 1850, the amount had varied, and it was then charged to the net cost per head per prisoner; but subsequent to 1851, I believe there has been a fixed rate of 4*s.* per week paid by the Government for prisoners convicted either at the assizes or the sessions, or under the Criminal Justices or Juvenile Offenders Act, and a sum of 8*s.* per week for penal servitude convicts detained in prison over the time fixed by Government.

964. Is that the scale under which they pay at present?—Yes; that is the scale under which they pay at present.

965. Therefore, it is only arbitrary in the sense that there is no one who has laid down those figures except the Government, but it is a fixed scale?—It is a fixed scale.

966. What would you say is the cost of a prisoner per week, does the 8*s.* a week cover it?—No; the gross cost of prisoners per head per week last year was 9*s.* 4 *d.*

967. Then I presume that 8*s.* is fixed upon the basis of being nearly the cost, and the 4*s.* is a contribution of one-half?—I should say that the 8*s.* we rarely receive, because penal servitude convicts are not detained in prison as a rule beyond the time fixed by Government; so that by far the larger proportion that we receive from the Treasury for the maintenance of prisoners is at the rate of 4*s.* per week.

968. Which is a little less than half their cost?—Yes, it is a little less than one-half the gross cost, being near about the net cost; the net cost last year being 4*s.* 3*d.* per head per week.

969. Supposing that the Government were to reduce the 4*s.* to 3*s.*, what redress would you have, or would there be any redress for the ratepayers in the county?—Not under Act of Parliament at present, I believe.

970. Do you know whether they pay the 4*s.* under Act of Parliament, or whether the amount is a vague and an arbitrary one?—I believe there is an Act of Parliament, the 2nd & 3rd of Victoria, relating to the maintenance of prisoners, but I have always understood from the Treasury that it is out of their Parliamentary grant for the purposes of maintenance that we receive it, and that it is optional, so to speak, with the Treasury whether they pay it; it only rests upon the Vote and the Appropriation Act.

971. Mr. *Walter.*] On what grounds is there a a difference of 100 per cent. between the payment for a convict and the payment for an ordinary prisoner?—Previously to that arrangement being made by the Treasury, with regard to the 8*s.* per week, as a rule the penal servitude convicts had only been allowed to remain in the county prisons a very short time subsequent to conviction; but it was deemed advisable to have them detained in some instances longer, and then the Treasury consented to this increased allowance. I believe that some representation was made, at the instance of the Visiting Justices, to the Treasury as to the cost of prisoners, and they consented to make this additional allowance in those cases.

972. Sir *James Lawrence.*] When you used the term "net cost," do you mean the cost after deducting the prisoners' earnings?—Yes; the net cost to the ratepayers, after deducting the amount received for maintenance and for prisoners' earnings.

973. Mr. *Pell.*] Has the county an alternative in being able to reject those penal servitude men?—No; because they are committed to the custody of the gaoler by the judges of Assize, and until the Secretary of State orders their removal, they must remain in the prison.

974. Can you account for the apparent generosity on the part of the Government to the extent of 100 per cent., paying 8*s.* for the one class of prisoners, and only 4*s.* for the other?—The rule, previous to that alteration being made, had been for the penal servitude convicts only to be detained in prison a very short time after conviction; and it was in consequence of their remaining a longer time, and not being removed to the convict prison, that the Government gave this increased allowance.

975. Then if it was a bad bargain to pay 4*s.*, you continued the bad bargain with respect to the one class of prisoners; but in the case of this latter class the Government consented to pay 8*s.* instead of 4*s.*?—The Government, if I may say so, are bound to provide the convict prisons; and it was in consequence of the county prison being required for the purposes of the confinement of convicts strictly. Previous to that time they had been called transports, and it was on that alteration and on the Penal Servitude Bill passing that this alteration was made, because penal servitude convicts then were detained in the county prison, which was the house of correction for the county longer than they had usually been when transportation was in force.

976. *Chairman.*] It was when the change of system took place, and the county was left to bear its burden as regards its own functions, as a house of correction for the county; but the prisoners condemned to penal servitude were then paid for by the Government for the whole of their cost?—Sometime subsequent to that; it had continued for some little time before a remonstrance was made.

977. Mr.

977. Mr. *Walter.*] In fact, the extra 4 *s.* which the Government pay for convicts may be considered as what they pay for the accommodation which they receive from the county?—Quite so.

978. *Chairman.*] Four shillings would be considered as a receipt in aid, and 8 *s.* was supposed to represent more or less the whole cost of the prisoner?—Yes.

979. Sir *Massey Lopes.*] Taking into consideration all the payments that you receive from the Government for the maintenance of prisoners, is there not even then a considerable loss to your county?—Yes.

980. We have been hitherto speaking of maintenance as distinct from building, and you gave us 7,874 *l.* as the annual cost; is that for maintenance only, or does it include also building expenses, and the repairs of the gaol and so on?—That was the whole actual expense chargeable to the county rate in connection with the prison for last year only.

981. Did that include building and repairs?—Yes; but then the repairs and improvements chargeable last year happened to be only 429 *l.*

982. Did that include the pensions for the officers?—Yes.

983. (To Mr. *Earle.*) Does it include any payment made for the prosecution of prisoners?—No.

984. *Chairman* (to Mr. *Webb*).] What do the Admiralty and the War Office pay you?—£. 1,027 the Admiralty and War Office paid us last year.

985. On what scale do they pay you that?—These departments pay 1 *s.* a day for each prisoner; by those departments there is a loss to the county, certainly.

986. Is that sum fixed by an arrangement, or are you obliged to receive their prisoners?—The gaolor is bound to receive them if he has accommodation for them in the prison, and the amount is settled by arrangement with the two departments.

987. Has the loss been voluntarily undertaken by the county, or could it not help itself?—It could not help itself.

988. Mr. *W. H. Smith.*] Is it imposed by Act of Parliament?—The duty of receiving prisoners is imposed upon the gaolor by Act of Parliament.

989. *Chairman.*] If there were not room in the prison, what would be done then?—The prisoners would be refused, as has sometimes been the case; when the gaol has been full of county prisoners, the naval and military prisoners have been obliged to be refused.

990. Therefore the county prisoners have the preference, so to speak, and they are let in first, and the Admiralty and War Office prisoners are only accommodated if there is room?—Yes.

991. Mr. *Birley.*] Upon what rule or regulation is this scale of payment made by the Government, either for the convicts or for the other prisoners; is there a schedule and table, or an Act of Parliament?—No, it is the amount that the Treasury inform the county they will be allowed.

992. Then it is entirely in the hands of the Treasury?—Entirely in the hands of the Government.

993. As regards the Secretary of State for War, or the Admiralty, I think you state that it is a matter of arrangement?—It is a matter of arrangement with the county, only that the Government fix their own sum. On an application being made to those departments some few years since, at the request of the sessions, they gave the present amount that is allowed, which now the county consider they are considerable losers by.

994. Mr. *Walter.*] Can you state the proportion of Government military and naval prisoners to the whole number of prisoners in the county gaol?—

995. Can you state whether, in determining the amount of accommodation required in the county gaol, the county either take into consideration, or were bound to take into consideration, the probable demands which would be made upon them for accommodation by the military and naval departments of the Government?—That, no doubt, was taken into consideration in the building of the new prison; but the number of naval and military offenders that had, previously to the building, been confined, was very small as compared with those of later years. In consequence of the establishment of the camp at Aldershot the encampment at Broundown and the forts in the Isle of Wight, there had been a very much larger proportion of military prisoners confined in the prison since the building of the new gaol than there had been previously.

996. And penal servitude convicts, I believe, did not exist at that time?—There were a certain number of prisoners sentenced to transportation who had to be provided for for a time, but then they were detained so short a time after a conviction that it was not necessary to make any special provision for them.

997. Sir *Massey Lopes.*] Supposing that the accommodation in your gaol was not either sufficient or suitable, could not the Home Secretary compel the magistrates to enlarge or improve it?—Yes; under the New Prisons Act.

998. Have the ratepayers, as represented by the magistrates, any power whatever to prevent the Home Secretary from carrying out that?—None.

999. He could issue his mandamus, could he not?—The effect would be felt in this way: that the Government contribution towards the maintenance of the prisoners would be withheld.

1000. Mr. *Pell.*] You have stated, have you not, that if your gaol was full, and naval or military prisoners were sent there, the gaoler would refuse to receive them?—Yes, if it was full.

1001. We will suppose such a case as this, that the gaol was filled with Government prisoners; if a county prisoner were presented under those circumstances, what would you do with him?—In practice it would not be allowed to be so full, because they would take into consideration at the time that the application was made for the admission of naval or military prisoners the probable number of cells that would be required for a time for county purposes.

1002. Do you always keep a certain number of cells for county purposes?—Yes. Of course there might be in the ensuing month a large number of discharges, and that would be taken into consideration.

1003. So that you are never, in reality, full?—We have been full; every cell.

1004. Mr. *Hunt.*] Is it under the authority of an

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an Act of Parliament that your county are obliged to take in Admiralty and War Office prisoners?—Under the Mutiny and Marine Force Annual Acts I believe it would be found that we must take them in at a charge about which we have no option. The Act provides that the governor must receive them, or he is liable to a penalty for not receiving them.

1005 But does the Act say the terms upon which they are to be received?—No.

1006. You first said that it was a matter of arrangement, and you afterwards said that the Government department fix the terms, as I understood you?—Some four years since it was felt that the allowance that the Admiralty and the War Office were making for the naval and military prisoners was very inadequate indeed, and a representation was made from the quarter sessions to those departments, and a fresh sum was awarded; that is all the arrangement that exists.

1007. Under the Mutiny Act, is the governor of the gaol bound to take them in on any terms that the Admiralty or War Office may fix?—I cannot remember exactly the wording of the Mutiny Act. The words would be found in the Act as to what the duty of the governor is; that he is bound to receive them under a penalty; that is generally what it is.

1008. Can you tell me what power the county authorities have to obtain the actual cost of the prisoners from those departments?—Sixpence per day was the sum originally fixed by the Mutiny Act for certain prisoners. I think some alteration has been made since this Mutiny Act which I have here, which is an old one, 1852.

1009. *Chairman.*] But you could not explain how it is that the two departments do not give you the same sum, the amount being 1*s.* a day from the one department and less from the other?—I find that I made a mistake as to this; both departments now pay the same.

1010. Mr. *Acland.*] When you said just now that it was a matter of arrangement, did you mean that it was a free contract on both sides, or did you mean merely that the justices had the power of representing if they were not satisfied, and that the Government had the power of giving an answer, yes or no, as they pleased. Which did you mean?—What you put in the second part of your question is what I endeavoured to express.

1011. If the justices were quite satisfied with the arrangement without making a representation, and a larger sum was given to them, it is in fact not a matter of arrangement, but it is a matter of Government settlement, against which the magistrates have the power of making a representation?—Yes, that is my impression of the arrangement.

1012. Mr. *Pell.*] Did you not also tell us that the effect was that there was a loss to the county?—Yes, certainly, there is a loss to the county.

1013. *Chairman* (to Mr. *Earle*).] As regards the prosecution of prisoners, can you state what the total cost of the following item is: Cost of assizes and quarter sessions under the Criminal Justice Act, and under the Juvenile Offenders Act, for the year 1867?—I can give you for the whole year the cost of the sessions; it is 1,360 *l.* for the sessions for the year ending 1866–7; for the assizes, 1,250 *l.*, and under the Criminal Justice Act summary convictions, 400 *l.*

1014. Then are the Committee to understand that the cost of prosecutions may be divided under three heads, the cost of assizes, the cost of quarter sessions, and the summary convictions?—Yes.

1015. Is there a small item under the head of juvenile offenders?—Yes, which might be included in summary convictions, and that would add about 50 *l.*

1016. And does the total of those prosecutions amount to about 3,000 *l.*?—Yes.

1017. What do you get back?—In that year we received from the Treasury 3,300 *l.*, but that is not in respect of those particular prosecutions; the payments by the Treasury were in respect of prosecutions the year before; the payments from the Treasury are irregular; the Treasury officers go through the accounts after they have been sent up, and then probably one or two interviews will take place between the clerk of the peace, or some one from his office, and the Treasury officers as to certain disallowances, and after a lapse of time the payment is made, but the payment is made at irregular times.

1018. Do you get back the whole?—In theory we are entitled to the whole; of course if we charge what we are not allowed to charge, the Treasury disallow it.

1019. Sir *Massey Lopes.*] What is the difference between the practice and the theory; you have told us that during last year there has been an expenditure of 3,100 *l.* in your county?—That was in the year which the Chairman referred to, 1867.

1020. (To Mr. *Webb.*) What amount did you receive from the Government in respect of that sum?—Out of the 3,100 *l.* there would be 30 *l.* disallowed as the cost of cases dismissed by the justices, under the recent Act of Parliament, the 29th & 30th of Victoria, giving the justices power to award costs in cases dismissed by them; that 30 *l.* will have to be taken out, the Treasury declining to pay any portion of it.

1021. Are there any further items disallowed? The disallowances on the 3,000 *l* would probably be about 100 *l.*, so far as Hampshire is concerned.

1022. Then, so far as the amount falling upon the county is concerned, the difference would be about 100 *l.*?—About 100 *l.* on that account; it would amount to about 50 *l.* on each return, which might be taken at 1,500 *l.*

1023. In a series of years, has there been generally a serious loss to the county, or merely a trifling loss?—At first there was a serious loss to the county, but by the county conforming, as far as it could, to the Treasury regulations, that loss has been diminished.

1024. Then, are we to understand the matter may be stated thus, that if the county authorities are not careful the disallowances may be large?—Yes.

1025. But if the county affairs are well administered, then the disallowances are small?—Comparatively small; but there still are certain arbitrary rules, if I may say so, laid down by that department, that is to say, by the auditors of the criminal law accounts, with reference to the number of cases that shall be taken, and with reference to allowances which the county finds itself unable to comply with.

1026. Mr. *Birley.*] Are you also able to give us the cost of prosecutions at each assizes, and at each quarter sessions, and what allowance would be received from the Government, and the difference?—Yes, I could very soon prepare such a return

a return; I could from the books, but not from the abstract.

1027. But you are not in the habit of so keeping the accounts?—No; not under these distinct heads.

1028. *Chairman.*] If I understand right, in the annual statement of accounts that you send to the Home Office, you state the amount disbursed under four columns, keeping separate all expenses of prosecutions at assizes, at quarter sessions, and under the Summary Convictions Act?—Yes.

1029. But in your receipts from the Treasury they are all lumped together in one column?—Yes.

1030. And therefore I apprehend it would not appear whether the repayments from the Treasury are in respect of the same year or not; they are simply entered as receipts from the Treasury?—The receipts being during that year but not necessarily in respect of that year, and in practice, not so. (Mr. *Earle.*) The county authorities have no control with regard to allowances at the assizes; it depends upon the clerk of assize with whom the county have no connection whatever; it is the clerk of assize that allows costs at the assizes.

1031. *Chairman.*] If the clerk of assize makes a mistake the county pays for it?—Yes.

1032. Is it considered a grievance to you if the clerk of assize allows more than the Treasury regulations the county has to pay for it?—It is considered a grievance, because we have no means of redress at all, as we have no authority whatever over the clerk of assize. As a rule the clerks of the justices prefer taking their cases to the assizes, because larger costs are allowed.

1033. Mr. *Rathbone* (to Mr. *Webb*).] I think I understood from two of your answers with respect to the building of prisons, and with respect to allowances, that the power of giving those allowances by the Government, enabled them both to enforce a very effective compliance with their demands, and obedience to the rules that they lay down?—Yes, under the New Prisons Act unquestionably it is so with regard to prisons.

1034. Is there much difficulty in getting the rules that they lay down carried out after a time?—There is no difficulty in Hampshire; in fact, the rules that are embodied in the New Prisons Act, I may say, were nearly all in force in Hampshire previous to the passing of that Act.

1035. You stated, did you not, that at first there were considerable discrepancies between the costs of prosecutions and the allowances, but that since they have learnt to obey the rules of the Government; the discrepancy has been very small?—The schedule of disallowances now is very small as compared with what it was originally.

1036. The system works harmoniously and easily now, does it?—It works more easily, but I cannot quite accept the other word.

1037. Sir *Massey Lopes* (to Mr. *Earle*).] I understand you to say that there are always disallowances, sometimes more and sometimes less?—Yes, always.

1038. And you stated, did you not, that prosecutors prefer taking their cases to the sessions rather than to the assizes, because the county are more liberal in their payments?—No, it is the other way; prosecutors appear to much prefer going to the assizes, because they get larger payments than they do from the county in respect of their briefs; the scale of charges for witnesses is the same.

1039. I also understood you to say that there was a loss of 3,046 *l.* to the county upon the maintenance of prisoners and prosecutions, and matters connected with the gaol?—The net charge on the county was 3,746 *l.* last year.

1040. Then that falls entirely upon the county?—Yes; that is, after deducting all payments in aid.

1041. So that that is the net loss to the county every year?—The net charge on the county.

1042. To which the Government pay no contribution whatever?—Precisely so; that is, after deducting the Government contribution.

1043. And that is statutory?—Yes, that is, by Act of Parliament.

1044. And they have no power to relieve themselves in any way from that charge?—No, they have not.

1045. Mr. *Pell.*] You have said that about 100 *l.* is disallowed by the Treasury with reference to prosecutions separately from those dismissed cases, and, I think, the Chairman suggested that that might be diminished by care on the part of the county; in what direction should they be careful, and how could that 100 *l.* a year be diminished?—Only a part of it could be saved by the county, because a very considerable portion of it is due to the want of care on the part of the clerk of assize.

1046. Would any care materially reduce this charge of 100 *l.* a year in your county?—No; it is impossible to avoid making small mistakes, of course, where there is such a number of prisoners, and a number of small mistakes will soon run up into 100 *l.*

1047. What proportion of this 100 *l.* loss is due to the action of the clerk of assize?—I could not quite answer that question, but my belief is that there are more disallowances in respect of assize cases than in respect of sessions cases; at any rate, there are more than amount to 50 *l.*

1048. Mr. *Hunt* (to Mr. *Webb*).] What I understand is this, that formerly the county officers used to allow a larger cost than the Treasury would repay?—Yes.

1049. But in course of time they learned exactly what the Treasury would allow, and then the county officers refused to allow more to prosecutors and witnesses than the county could get recouped from the Treasury?—It is not generally with reference to witnesses; the main disallowances are on the briefs, counsels' fees, and prosecutors' costs.

1050. The county officers now know exactly what the Treasury will allow for prosecutors' costs and witnesses, and they keep the allowance which they pay in the first instance, down to that amount?—No, because it is quite an arbitrary rule of the auditors of the criminal law accounts as to the disallowances.

1051. I am merely taking the case of the quarter sessions with regard to the county officers; they keep down the amount, do they not, to what they think will be repaid by the Treasury?—As far as they can; but the justices in petty sessions, or the justices acting at the sessions, may commit a prisoner for trial on four cases, the Treasury rule is only to allow three, and, consequently, that one case entirely falls upon the county, the county officers not having any

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any option in the matter, and they frequently, also, allow a smaller sum for counsels' fees or briefs than the taxing officer of the court has allowed.

1052. That is with regard to the sessions; but with regard to the assizes the county has no control whatever over the clerk of assize?—None.

1053. And he is the person who fixes the allowance at the assizes?—Yes.

1054. So that if the clerk of assize, who is not controlled by the county in any way, allows more than the Treasury will repay, the county has to be at the loss?—Yes.

1055. Mr. *St. Aubyn.*] You spoke just now upon this question of disallowances being considered a grievance; are you in the habit of making representations to the Treasury with respect to disallowances, with the view of getting them reconsidered?—Yes.

1056. Do you find that the Treasury, generally speaking, are willing to consider your application favourably?—Yes, they consider the application.

1057. Will they remit you that which you ask?—Sometimes; but not any very great portion generally; the amount restored is generally very small.

1058. Not equal to that which you demand?—No.

1059. Is that principally on account of disallowances with regard to the sessions or the assize?—The principal restorations are on sessions cases.

1060. With regard to the assizes, in your answer to the honourable Member just now, you say that the county have no discretion at all, and are obliged to abide by what the clerk of assize fixes, upon that particular point are the Government less willing to consider your application than on the other?—They are less ready to restore the disallowances. It will frequently happen in this way: that we are not able to give them so much information concerning the assize case as we are with respect to sessions cases, so that we have an advantage undoubtedly in the sessions cases.

1061. And that constitutes a grievance which is undoubted?—Yes, it is a grievance.

1062. Have you ever considered the remedy for that?—Yes; that there should be certain fixed rules laid down as to the amounts which the Treasury would allow.

1063. Have you ever suggested that to the Treasury?—Not beyond the examiners of accounts; not direct to the Treasury.

1064. Have you had an expression of opinion from the Treasury upon that point?—No.

1065. Mr. *Corrance* (to Mr. *Earle*).] You have spoken of a certain theory upon which they act; is that your theory or is it accepted by the Government; I mean the theory that the whole of those charges ought to be recoverable by the county?—Yes, assuming that they are properly and legally made out.

1066. *Chairman.*] Did you say that that was your theory?—What I think I said was, that in theory the Government are supposed to repay the county all the charges that are made upon them at the assizes and sessions, on the assumption that the charges are correct and proper.

1067. Mr. *Corrance.*] Who is that supposed by; by you, or by the Treasury?—It is supposed by the county.

1068. You would act under such a supposition for the county?—Certainly, if I had made out a proper list of cost, I should expect to be paid every farthing.

1069. But you do not find that it is so in practice?—No, not quite.

1070. Mr. *Hunt.*] Will you explain what you mean by "proper" costs?—Such charges as are allowed according to the table of costs.

1071. Might it not be the case under certain circumstances that the scale might be improperly low?—Then we are bound by it.

1072. I mean you would not be doing justice sometimes, if you were to act strictly according to that scale?—We are bound by the scale; we have no discretion.

1073. I understand that if you exceeded the scale you would not get repayment; but is it not the case sometimes that you would not be doing justice if you were not to give more than that scale allowed?—Possibly; no doubt in a great number of cases there is very great hardship inflicted upon witnesses, who are obliged to hang about several days at the assizes and sessions, and who get a very small payment in respect of their loss of time.

1074. Is it not the case sometimes that, as regards prosecutions, a prisoner is not likely to be prosecuted to conviction, unless a plan of the premises concerned is produced in court?—Yes, that is so.

1075. In that case, although it is necessary for the ends of justice that a plan should be made, does not the Treasury sometimes refuse to allow the expense of that plan?—Yes, that is so.

1076. Is not that a case where it would be improper for you to abide by the scale of the Treasury?—We have no discretion.

1077. It would be improper not to allow the cost of a plan for the prosecution in such a case?—I think it would.

1078. But yet, in those cases, the Treasury might refuse to repay the cost?—Yes, they would. For in the recent case of murder in Hampshire, at Alton, a surveyor was employed to make a plan, and they would not allow the costs.

1079. And yet without that plan perhaps a conviction might not have been obtained?—Yes, that is so. When I say that they would not allow the costs, they would not allow the proper costs that the surveyor charged.

1080. Is it not the case sometimes that where a brief is a very heavy one, and it is only fair to the prosecuting attorney to allow more than the Treasury scale, and although the fees upon the brief are of greater amount than the Treasury scale, the Treasury would not repay it?—Yes, that is so. It is quite impossible that the Treasury can judge as well as the officer that is sitting in court, and knows how much trouble has been taken.

1081. *Chairman.*] What is the amount for the coroners?—There are seven coroners in the county, and their aggregate salaries amount to 606 *l.*

1082. I see in one of the years that the costs of the coroners, and the incidental expenses connected with them, were about 1,000 *l.*; is that correct?—I think that is about correct. Last year the expenses of inquests would be about 1,000 *l.*, including the salaries.

1083. What is the population of the county?—In 1861 it was 320,000, including boroughs, contributing to the county rate.

1084. Sir

1084. Sir *Massy Lopez*.] Does the whole of that payment for inquests, which you say amounted to 1,000 *l.* last year, fall upon the rates?—Yes.

1085. Is any portion of it paid by the Government at all?—No.

1086. Mr. *Pell*.] You stated that there were seven coroners; who appoints those coroners?—The freeholders appoint the county coroners.

1087. Has the Duchy of Lancaster a coroner there?—No.

1088. (To Mr. *Webb*.) Are they always appointed by the freeholders?—There are three county coroners appointed, one appointed by the Governor of the Isle of Wight, and the other three are appointed by the lords of manors.

1089. Do you think that this arrangement with regard to the appointment and the multiplicity of coroners, increases in any way the expenses of the ratepayers with regard to inquests?—I think not in this county, because that was taken into consideration when the salaries were fixed, and the districts over which the coroners acted by arrangement.

1090. Do the districts over which those coroners act lie together, or are they separated and scattered about the county?—The district of each, with the exception of one, is pretty much in his own neighbourhood; for instance, there is a coroner for the Isle of Wight, and he acts entirely for the Isle of Wight; one coroner acts pretty much in the eastern part of the county; and the three coroners appointed by the lords of manors act exclusively within those manors, and the districts of the other two county coroners are rather extended.

1091. Who pays the coroners that are appointed by those three lords of manors?—The county.

1092. *Chairman* (to Mr. *Earle*).] What is the general staff of the county, that is to say, what further payments have you for what you call "office" expenses?—The officers of the county, not including the police officers or the prison officers, are the clerk of the peace, the county treasurer, the county surveyor, and two minor officers, whom you can hardly call officers, the keepers of the county hall and of the judge's lodgings.

1093. And the inspectors of weights?—The inspectors of weights are under the police.

1094. Have you got any particular column in your accounts for them?—Yes.

1095. Will you state the amount of the cost of officers?—The cost of the clerk of the peace, the county treasurer, and the county surveyor, is 830 *l.*, and including the hall-keeper, 850 *l.*

1096. From your previous evidence, can you put together, quite roughly, your total of 12,000 *l.*, exclusive of the police?—Yes, I think I could do that; I exclude prosecutions, because practically, they are repaid; the net charge of the county prisoners, lunatics, reformatories, and payments, of that nature, and the conveyance of prisoners by the constabulary, is 5,457 *l.*; county bridges, militia stores, and other buildings, and the cost of special constables, 1,220 *l.*; coroners, 606 *l.*; public officers, not including prison officers or police, 850 *l.*; office expenses, including the printing of the voters' list and law costs, 590 *l.* Then the repayment of the loan, principal and interest, last year (of course this varies from year to year) was 6,042 *l.*

1097. Did you have a balance at the beginning of the year, out of which you were able to pay that?—We had a balance of 828 *l.*, and at the end there was a balance in hand of 1,380 *l.*

1098. Then you see there are 2,000 *l.* unaccounted for; you must have made a mistake in your evidence as to the repayments of loans?—I have no doubt that the figures that I gave you last are quite right. I can now account for it, I think; it so happened that we had a balance from the cattle plague rate last year, which fortunately turned out to be not required, and it was transferred to the county rate, that is 958 *l.*, and that, with the balance of 828 *l.*, will make nearly 2,000 *l.*; there are certain other receipts, besides county rates; from fines in aid of the county rate we received 420 *l.*

1099. What do you get from the county rate?—£. 12,770.

1100. Are there any other small receipts besides?—No, I think I have accounted for all the receipts.

1101. Mr. *W. H. Smith*.] Do any of the officers who are stated to have cost 830 *l.*, receive fees in addition to their salaries?—Yes, the clerk of the peace receives fees on prosecutions.

1102. Colonel *Brise*.] Does the surveyor receive fees and per-centages?—No, he merely receives travelling expenses.

1103. Mr. *Corrance*.] Have you no county auditor?—No.

1104. *Chairman*.] I see in the return 6,000 *l.* put down for the repayment of debt; the payment for the lunatic asylum was 3,000 *l.*, and there was a payment of 3,000 *l.* besides; will you state what that debt is besides the county lunatic asylum?—There is a debt in respect of the prison, and in respect of the police stations, but the latter of course is not a county debt; the county debt is in respect of the prison and in respect of the lunatic asylum.

1105. Is that 3,000 *l.* a variable amount?—The county debt in respect of the prison is now 2,000 *l.*; last year 1,600 *l.* was paid off, so that there is only 2,000 *l.* remaining. In respect of the lunatic asylum, as I stated before, it is 27,300 *l.*

1106. As regards the police rate, I think you stated that it was 3 *d.* in the pound?—Last year it was 3 *d.* in the pound.

1107. Your county rates being 2 *d.* in the pound?—Yes.

1108. What do you receive from the Government in respect of the police?—£. 3,928.

1109. What was your total expenditure?—The total expenditure over the police was about 20,000 *l.*, and we received 3,928 *l.* from the Government.

1110. So that, in round numbers, you had to spend 16,000 *l.*?—Not precisely so; we have other receipts besides the Government grant.

1111. Does the 20,000 *l.* include superannuations?—No, the superannuations are charged upon the superannuation fund.

1112. Will you state how much you add to that fund?—The superannuation fund is increased by stoppages from the pay of the police, and it has no connection with the rate.

1113. Does no portion of the rate go towards the superannuation fund?—None whatever.

1114. What other receipts have you besides the receipts from the Treasury?—The county police are employed by several of the boroughs, who contribute. There are three boroughs, the

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South Western Railway Company, the Commissioners of Woods and Forests, and certain private persons who employ the police, and the aggregate of their contributions amounts to 960 *l*

1115. Will you state the arrangement that exists between the Government and the county as regards the contribution of the Government to the police?—The Government pay one-fourth part of the pay and clothing of the police, provided that the report of the inspector is such that the police force is in a good state in respect of numbers and discipline, and efficiency.

1116. What is the regulation as regards numbers?—There is none; the county fixes its own number.

1117. The county fixes its own number; and if those numbers are below a certain standard in the mind of the inspector or of the Government, can they withdraw the contribution of one-fourth?—The number having been fixed by the county, if the actual number in the force does not come up to the number fixed by the county, then the police force is inefficient in respect of numbers, and would be so reported, and the Government grant would not be paid.

1118. Has the Government anything to say to the number fixed in the first instance by the county as to whether it is efficient or not?—No.

1119. (To Mr. *Webb*.) When the numbers of the county police are fixed in the first instance, if they are not fixed high enough, does the county run the risk of not getting its one-fourth?—Yes, certainly.

1120. The standard then is, practically, in the mind of the inspector?—Yes.

1121. But there is no regulation that it must bear any certain proportion to the population or not?—There is no fixed regulation that I am aware of.

1122. Is there this risk, that the county might fix its police unnecessarily high in order to make quite certain of getting the one-fourth from the Government?—It might be so.

1123. On the whole, the stimulus given by that one-fourth is to raise the number of the police, so as to be quite certain that the county may receive the subventive?—Yes, so as to ensure the Government contribution.

1124. Might it occur, if there were a certain force of police in a county, and it was a question whether it ought to be increased, the increase might be paid for entirely out of the Consolidated Fund?—I am scarcely prepared to answer that question.

1125. What is your force in Hampshire, speaking roughly?—260.

1126. Of which the Government pay one-fourth?—Yes.

1127. Therefore they pay, so to speak, for about 60 men?—Yes.

1128. (To Mr. *Earle*.) Then, so far as the county is concerned, it would be the same thing for the pockets of the ratepayers whether they had 190 men, the Government thinking that number sufficient, or whether they had 250 men, the Government paying their quota?—But there would be this risk on the part of the county, that they might not get their full force.

1129. What do you mean by "full force"?—They might fix their number at any certain standard, and they might not be able to obtain recruits to fill their force It sometimes happens that the Hampshire force is not quite full.

1130. What I mean is, that it is the same thing to the county, as far as its own pocket is concerned, whether it has only three quarters of the force, which is considered sufficient, or the four quarters which is considered sufficient by the Government?—Yes, the same, in a pecuniary sense.

1131. And, therefore, where there is a doubt, there is the temptation to the county rather to raise its force beyond what is necessary, in order to make quite sure of the Government grant?—Yes, I suppose that would be so; but then if they were satisfied that the force was sufficient, they would want to be satisfied that the inspector would think so too.

1132. Supposing the county were to consider that it had more police than was necessary, could it reduce the force without concert with the Government?—No; there must be the approval of the Secretary of State for the Home Department.

1133. The county rate is not levied with the police rate; the rates are levied separately, are they not?—Yes, they are levied separately.

1134. And are they collected together?—They are demanded by the same precept, and they are paid by the guardians out of the moneys in their hands.

1135. But in precept it is in separate column from the county rate?—Yes, they are in two separate columns; some parishes are liable to the county rates and not liable to the police rate.

1136. Will you state how that is?—Because they maintain their own police; for instance, boroughs without separate courts of quarter sessions will prefer to have their own police.

1137. Boroughs having their own quarter sessions, I presume, pay no county rate?—Boroughs that have quarter sessions pay neither county rate nor police rate.

1138. Boroughs having no quarter sessions may pay county rate but no police rate?—They must pay county rate, and they may pay no police rate, if they choose to maintain their own police.

1139. Are there many boroughs in your county in that position?—Three or four.

1140. Mr. *Hunt*.] Is that the case with Basingstoke, Newport, Portsmouth, Southampton, and Winchester?—Southampton, Portsmouth, and Winchester are separate jurisdictions, but they are not boroughs of the class to which the Right Honourable the Chairman is alluding; they are not liable to the county rate. The boroughs liable to county rate are Basingstoke, Newport, Ryde (Ryde has recently been made a borough), Romsey, and Lymington; Romsey used to have its police, but it has given them up. Basingstoke, Newport, Ryde, Romsey, and Lymington are not separate jurisdictions and have no courts of quarter sessions.

1141. *Chairman*.] Does this depend entirely upon the boroughs?—Yes.

1142. They withdraw themselves as it were, from the county police?—Yes; they obtain a separate commission of the peace, and have magistrates appointed, and thereupon they set up their own police.

1143. Then the fact of their being those three boroughs with their own police, renders it necessary to have the police rate separate from the county rate?—No doubt, in those boroughs.

1144. Will you state any other reason why the police rate is separated from the county rate, if there is any other reason; is it only on account of the

the different areas over which it is levied?—I think that is so; all property within the county which is rateable to the poor rate, is liable for county rate, and would be also liable for police rate, if it is within the police jurisdiction.

1145. The only difference is the difference of area, as far as you are aware?—Yes, that is all.

1146. Does the same treasurer account for the police fund as for the other?—Yes, the same treasurer, the county treasurer.

1147. Is it audited by the same auditor?—The accounts are audited by a sub-committee of the finance committee of the county.

1148. You stated that there were certain boroughs that contributed to your receipts, those are boroughs having their own jurisdiction, and they would pay no county rates, I presume?—No; first there is the case of a borough which has a separate jurisdiction, such as Andover; they will contract to employ our police. Next is the borough of Lymington, which is within the county and liable to the county rate, but it is a municipal borough, and might have its own police, only it does not; Romsey also pays county rate.

1149. (To Mr. *Webb*). In the case of Lymington, Lymington is separate and might levy its own police if it chose; but does Lymington pay police rate or not?—No, the borough of Lymington is consolidated with the county for purposes of police, under the County Police Act.

1150. Being consolidated, does it pay the county rate, or does it pay a certain sum under a contract?—It pays the county rate and then a certain sum under contract for the purposes of police.

1151. Then it pays twice over?—No; it pays county rate; it does not pay police rate.

1152. There are two kinds of boroughs which do not pay the police rate; namely, the boroughs that employ their own police, and the boroughs that contract with you for their police?—Yes, that is so.

1153. Besides the boroughs that have nothing to do with your police at all?—Yes, that is so.

1154. Sir *Massey Lopes*.] The Government pay one-fourth of the expenses of the police, that is to say, their clothing, and also their salaries; therefore, by paying one-fourth practically, they have the whole absolute power over the police, have they not?—I scarcely understand in what sense the honourable Baronet means.

1155. The Government pay one-fourth towards the expenses of the police, and paying that one-fourth, do not they absolutely control the whole management of the police force?—They have not control as to the disposition of the force, inasmuch, as it has been recently laid down that that rests entirely with the chief constable.

1156. But can the magistrates dismiss the chief constable?—I rather think not without the consent of the Home Secretary.

1157. My first question was, whether the Government paying only one-fourth, do not practically control the whole of the police?—I should say no, inasmuch as they do not control the disposition of the force in any way. They simply have the control, if I may so speak, of the number that shall be employed, or the salaries that shall be given; but not as to the disposal of the force when established.

1158. The actual disposal of the force lies, does it not, with the chief constable?—Yes.

1159. And the chief constable is first appointed by the magistrates, is he not?—Yes.

1160. When once appointed by the magistrates, have the magistrates any power to dismiss him?—I think not without the consent of the Secretary of State.

1161. The Government paying one-fourth of the expense of the police, the inspector has the power, has he not, to say: If you do not appoint so many more police, we will withhold our one-fourth?—That is practicable.

1162. Has he ever done that in your county?—Not in our county.

1163. Have you ever heard of his doing so?—I believe the inspector called attention at one time to the shortness of the number of the police, but that was at a time when there was a considerable vacancy in the force.

1164. Did he tell you that unless you increased your number, he should withhold the Government Grant?—No, not to increase the number authorised by the sessions; but it was that the number authorised by the sessions were not employed. There was a difficulty at one time in obtaining recruits for the force, and so the force was not full; it was not up to the standard sanctioned by the sessions; that was how it was.

1165. Have the magistrates any power in quarter sessions to dispose of, or say where the police shall be located?—No, that rests entirely with the chief constable.

1166. And he is simply and only responsible to the Home Secretary?—He is responsible to the magistrates in one sense, because, as it frequently has happened, applications have been made to the court of quarter sessions for additional constables, and although it rests entirely with the chief constable as to the way in which the force shall be disposed of, an expression of opinion from the sessions that a certain number of constables should be located in a certain place, has always been attended to.

1167. But the magistrates have no power to insist upon it; they may remonstrate, may they not, with the chief constable, but the power is only with him?—Yes, that is so.

1168. (To Mr. *Earle*.) It is a matter of courtesy only that the chief constable pays any attention to the wishes of the magistrates?—Yes, that is so.

1169. Mr. *Pell*.] You told us, I think, that in your county the total cost of the police was about 20,000 *l*.?—Last year I think it was about 20,000 *l*.

1170. And you received in practice from the Government, I think you said, about 4,000 *l*.?—Yes.

1171. In theory, you should receive a quarter, which would have been 5,000 *l*.?—No, not quite so. We are entitled to receive a quarter in respect to the pay and clothing only; but there are other considerable expenses of the police.

1172. What made me ask you this question was, because the Right Honourable Chairman said to you, that in fact, the Government pay for about 60, which is one-fourth of your force; your force being, I think you said, about 260 men?—Yes; no doubt that is so.

1173. Then, in fact, the Government do not pay for about 60 men?—No, they do not; it is only in respect of pay and clothing.

1174. There is a difference of 1,000 *l*. between what you receive and the cost of the police; what does that arise from; do the Government pay you

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you anything upon the score of pensions?—No, nothing at all; they pay one-fourth of the pay and clothing; the pay and clothing amounted last year to 17,000 *l.* nearly.

1175. *Chairman.*] But from your 20,000 *l.* you would first have to deduct the sum which you receive from the boroughs before the Government pay you one-fourth; the Government pay nothing for the pay and maintenance of those constables that you lend, or do they?—Yes; there is no distinction; they are all the county police.

1176. They pay you for your men, even although they are employed in the boroughs?—Yes, except those that are appointed for individuals and railway companies; those are excepted.

1177. Mr. *Pell.*] So that, in fact, it would come to this, that financially it would be a better arrangement for the county to make with the police, to pay them during their time of service a higher salary with no pension to follow, because you would receive from the Government one-fourth of the payment; whereas, if you pay men low, leading to the expectation of receiving a pension hereafter, the county would lose by that arrangement?—That is so in a certain sense; but not quite so; because the men themselves, out of their pay, create the superannuation fund from which the pensions are drawn.

1178. Mr. *Hunt.*] They contribute to it; they do not create it?—Yes, they contribute to it.

1179. Mr. *Pell.*] Must all of your police arrangements, with regard to salary and number, be sanctioned by the Home Office?—Yes, there is a maximum scale of pay fixed by the Home Secretary.

1180. Is not the minimum also fixed?—Yes.

1181. Although the Government only recoups the county one-fourth of the expense, with regard to the police they have supreme control in reference to pay and clothing too?—Within certain limits the Government have that control.

1182. They have supreme control, and in fact they impose a tax upon the county and then only contribute one-fourth, as far as pay and clothing go?—Yes, that is so.

1183. Colonel *Brise.*] What are the other charges in the police, irrespective of pay and clothing?—The principal item is what is called divisional expenses; that is, expenses incurred in each division of the county; for instance, forage, farriery, oil, gas, allowances on special duty, standing of horses when at petty sessions, removal of constables transferred for benefit of service, medical attendance, stationery, repair of carts, saddlery, and so on. There are 15 divisions, and those items amount to 2,500 *l.*

1184. Mr. *Hunt.*] I see that, according to the Return before me of Judicial Statistics, it is nearer 3,000 *l.*; the station-house charges, including stationery, for the year 1868 being 2,996 *l.*?—That must include repair of stations; but that is not according to our account. The expenditure, or divisional expenses for the year 1867–8, was 2,580 *l.*, and there were horses 190 *l.*, which makes about 2,700 *l.* Then comes a small sum for fire insurance, and repairs of stations 220 *l.*; building rooms at Gosport station 190 *l.*; and sundry expenses, such as subscription for the county hospital, and professional business 58 *l.* That is the whole expenditure of that year.

1185. Colonel *Brise.*] Can you give us the items of the divisional expenses?—The divisional expenses are expenses incurred by the superintendents in each of the divisions. There is a superintendent in each division of the county, and he will incur certain expenses. These are the items: forage, farriery, additional horse hire, fittings up of station, rates, taxes, postages and parcels, oil, gas, allowances on special duty, standing for horses when attending petty sessions and other duty, bridges, ferries, boat hire, removal of constables transferred for benefit of service, medical attendance on constables, stationery, books, printing, advertising, repairs to carts, saddlery, and stable necessaries.

1186. Mr. *Hunt.*] Then, in point of fact, the 25 per cent. paid by the Government only refers to part of the expenses of the police, namely, the pay and clothing?—Only to the pay and clothing.

1187. As to clothing, I believe accoutrements are not counted in the clothing, are they?—No.

1188. (To Mr. *Webb.*) There are a great many things, are there not, that the county have to provide for, for which they do not receive a contribution of 25 per cent. from the Treasury, such as belts, lanterns, staves, and so on?—That is so; those things are not included.

1189. Besides that, there is the expense of station-houses, and horses, and harness, and other small things also, which the counties have to bear?—Yes.

1190. With regard to the interference of Government in these matters, was there a circular sent out by the Home Office in 1865 or 1866 with reference to increasing the pay of the police force, called Sir George Grey's Circular?—Yes.

1191. Have you a copy of it here?—No, I have not got the circular with me.

1192. Was the purport of that circular to recommend the giving of higher pay to the constabulary forces?—Yes; and in consequence of the recommendation of the Secretary of State the pay was increased in Hampshire.

1193. And generally throughout the country, was it not?—I can hardly say that.

1194. But you can say that, in your county, the consequence of Sir George Grey's circular was, that the pay of the force was raised?—Yes; slightly raised.

1195. (To Mr. *Earle.*) Can you tell us to what extent that increase took place?—There was a committee that sat and published a report and a table, which shows that the annual increase on the whole of the police, in consequence of that circular, was 970 *l.*

1196. Do you mean on the whole expenses of the police?—On the whole force, from the chief constable down to the private constable.

1197. What proportionate increase, or what per-centage, upon the whole cost of the force was it?—About five per cent.

1198. Of which the Government contributed how much?—£242.

1199. (To Mr. *Webb.*) With regard to the control of the Government inspector, you have told us that if the counties do not provide a sufficient number of police to the satisfaction of the inspector, they run the risk of the certificate being refused; is it the case that they have an intimation from the inspector that if they do not increase their force by such a number of men, the next year he will refuse the certificate?—I believe that is so.

1200. Do you know that, in consequence of those intimations, the county magistrates do increase

crease the force in order to satisfy the inspector?—That I do not know.

1201. *Chairman.*] But you have had that happen sometimes in Hampshire, have you not?—Not as regards the county police, but as regards a borough within the county.

1202. Mr. *Hunt.*] Did they receive such an intimation?—Yes.

1203. Has the effect of that intimation been to cause an increase in the number?—I am not sure whether they did increase it or lose the Government contribution. I rather think it was the latter.

1204. You stated, with regard to the superannuation fund, that that is partly contributed to by stoppages out of pay; but that does not make up the whole fund, does it?—No.

1205. That fund is made up, is it not, out of the moieties of fines that are paid to the police as informers?—Yes, and for assaults on police constables.

1206. (To Mr. *Earle.*) Do you know what proportion the stoppages out of pay bear to the other contributions to the fund?—The amount of stoppages from pay last year, and fines was 767 *l.*; I cannot tell the amount of fines.

1207. It is only as regards that portion which is contributed by stoppages from pay that the Government grant comes in aid; it is only to that extent?—Only to that extent.

1208. (To Mr. *Webb.*) And with regard to the other contributions, if they were not paid to the superannuation fund, they would go, would they not, in aid of the county rates?—That would depend upon the Statute under which the penalty was imposed.

1209. But if they did not go to the superannuation fund they would go otherwise in relief of the county rate?—Yes, that would be so.

1210. Under the present law, if the superannuation fund, made up as you have stated to us, does not suffice to pay the superannuations, the police rate has to bear the deficiency, has it not?—Yes, if it is not sufficient.

1211. (To Mr. *Earle.*) In your county, at present, the superannuation fund is sufficient, is it not?—Yes.

1212. (To Mr. *Webb.*) But, supposing it was not sufficient, the charges would come upon the county rate?—Upon the police rate; but a very large proportion of the constabulary superannuation fund in Hampshire arises from interest on money invested, accumulations to the fund.

1213. (To Mr. *Earle*). It all arises, does it not, out of the same source?—Yes.

1214. Mr. *Seely* (to Mr. *Webb*).] You say that the magistrates have no power to dismiss the chief constable without the consent of the Home Secretary; has the Home Secretary power to dismiss him without the consent of the magistrates?—I do not know how that is.

1215. (To Mr. *Earle.*) You say that the whole disposition of the force is under the control of the chief constable, and, therefore, whoever has the power of dismissing the chief constable has, practically, the control of the police?—That would hardly be so; because if the existing chief constable were dismissed, another must be appointed, and he would have the control practically. It would not be possible for the magistrates in the county to say that the police should be disposed of in such and such a manner to suit their own views.

1216. Do you not think that if the chief constable has the whole control of the police, whoever has the power of dismissing the chief constable would practically have the control of the police?—In a certain sense, no doubt.

1217. Then, with whom does the power of dismissing him rest?—I find that 2 & 3 Vict. c. 93, gives the power of dismissal to the magistrates; but supposing the Home Secretary had the power of dismissing the chief constable, he could hardly interfere with the disposition of the police in any county.

1218. Mr. *Ayrton.*] By whose order are the police stationed in the different parts of the county?—By the chief constable's order.

1219. Mr. *Hunt.*] But that is subject to this, that he can only send them where the magistrates find quarters for them, either in the county buildings or by sanctioning the renting of houses for them?—No doubt that is so.

1220. Mr. *Gregory* (to Mr. *Webb*).] I think you gave the Committee a statement of the expenses of the maintenance of county bridges; have you any instances of the liability of those bridges being thrown upon the landowners by *ratione tenure*, or in any other way?—No, not those particular bridges in respect of which this item of expenditure is incurred; but there are instances in the county of the owners being liable for the bridges.

1221. Who do the repairs, if you do not call upon them for a contribution?—We do the repairs.

1222. In fact, it is a contribution to the county rates to that extent?—Yes; but they are not county bridges.

1223. They are highway bridges, are they not?—They are occupation bridges more than highway bridges.

1224. (To Mr. *Earle.*) Are they not bridges dedicated to the public?—Yes, they might be so; but they would not become county bridges on that account; you cannot make a bridge a county bridge by dedicating it to the public.

1225. Mr. *Corrance.*] Can you give us the date when the Government allowance of one-fourth was first given; it was not simultaneous with the constitution of the force?—It was under the 19th & 20th Vict. c. 69.

1226. (To Mr. *Webb.*) Since that date, can you tell us how much the force has been increased?—The Government contribution was first paid to Hampshire in the year 1857-58.

1227. What was the expense of your force at that time?—That was no doubt in the year 1856-57, because it was received during 1857-58, and the total expense of the force then was 23,300 *l.*

1228. Do you mean that the expense of the force now is less than it was then?—That was the total expenditure, but that included the repayment of the debt and interest on the police stations and buildings.

1229. Can you give us the separate items of pay and clothing?—The pay for 1855-56 was 15,855 *l.*, and the clothing 1,786 *l.*, and the fourth paid by the Government was 3,644 *l.*

1230. Then the increased expense since is scarcely proportionate to the amount that you receive from the Government?—I was going to say that the pay and clothing for last year has been 17,000 *l.*

1231. What I meant was, that the increased expense of your force since the application of the Government allowance is not a proportionate amount

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amount to the sum which you now receive from the Government; but you are rather better off in consequence of the Government grant?—I should like to be quite sure about that before answering your question.

1232. *Chairman* (to Mr. *Earle*).] What is the clothing and pay now?—The pay and clothing now is about 17,000 *l.*

1233. Mr. *Corrance.*] What is the feeling of the ratepayers in your county about the police and the expense; do they object to it?—No.

1234. Is it popular?—With some classes. I do not think that the ratepayers in rural districts trouble themselves much about the pecuniary charge upon them for police.

1235. Do you think that the occupiers would wish for an increase of the force, if the rate was levied upon the owners alone?—I think that the occupiers in some districts would very much like to have the force increased.

1236. Am I to understand you to say that if the police fell upon the owners alone, then the occupiers would like the police force to be increased?—I think that, in some districts, irrespective of the persons who had to pay the rate, they would like the force to be increased, it being too small at present for the purposes of the district.

1237. You mean that they would wish to have another policeman or two?—Yes.

1238. Mr. *Ayrton.*] Would not the desire to have an increase of the force be influenced by the consideration of whether the rate was paid by the owner or the occupier; or are you able to form an opinion upon that subject?—I can only form my own opinion, and I do not feel that that is worth anything.

1239. *Chairman.*] Perhaps they might like an increase of the force now, if they think that they are not protected enough?—No doubt. We have constant applications for an increase in particular districts.

1240. What do you think would be the feeling in the county as to the withdrawal of the Government grant and the Government control; supposing that there were to be a proposal that the Government should no longer contribute the one-fourth, and that they should not have the power of dismissing the chief constable, would the ratepayers think that a boon?—No; I do not think they would think it a boon.

1241. You think that they would rather receive 4,090 *l.* from the Government, and let the Home Secretary have the power of dismissing the chief constable?—I think so, assuming that he has the power, as I understood a certain honourable Member to state; I think that they would very much prefer having the Government aid, the control being, to a certain extent, under the central Government.

1242. The Government grant was given at the time as a boon, was it not?—It is fixed by Act of Parliament.

1243. But it was considered that it was an assistance to the county to receive the Government grant?—It is in the Act which makes the establishment of police compulsory in counties, and it was a *quid pro quo.*

1244. Mr. *Acland.*] You have been asked one one or two questions about their feeling; is there a desire on the part of the ratepayers to have more control over the number of policemen and the constitution of the force?—No, I should say not; because where they have made applications to the justices to increase the force in particular districts, and their applications have been refused, they take it in very good part.

1245. Do you know any case in which the ratepayers think that the police is a more expensive institution than they get an adequate return for?—No; I am not aware of any.

1246. Mr. *Pell.*] I understand you to say that your clerk of the peace directly receives 590 *l.*, but that that did not entirely constitute all that he received, because he received in addition, I think you said, 450 *l.* in respect of fees, which are not a part of his salary?—I did not say that. The clerk of the peace receives directly 440 *l.* for salary, and the fees amount to about 450 *l.*

1247. With regard to the fees amounting to 450 *l.*, do they or do they not form part of the cost of prosecutions?—The great bulk of them.

1248. So I presume that you receive a portion, and perhaps a great portion, of that money back again from the Government?—The Government pays those fees, undoubtedly.

1249. Does it not come to this, that in your county the Governnent pays part of the salary of the clerk of the peace?—Yes.

1250. Therefore, you are making a better bargain for your county by taking those fees in part payment, than we do in the county which I represent, where we pay the officers entirely out of the county rate, and they receive nothing in fees?—No; because the clerk of the peace in that county may probably take fees in the same way, and he accounts for them and passes them over to the county fund; it is merely a matter of arrangement.

1251. *Chairman.*] The county rate is levied upon the occupier, is it not, and not upon the owner?—Yes, that is so.

1252. Has there been ever any movement to your knowledge in your county, as to charging it upon the owner, and not upon the occupier?—None that I am aware of.

1253. Sir *Massey Lopes.*] You have given us 15 different charges, which are now placed upon the county rate; with the exception of salaries to the clerk of the peace and salaries to other county officers, are there any of those charges which the ratepayers, through the magistrates, have any control whatever over?—In a certain sense not; of course in small details, within certain limits, they are under their control.

1254. They are all statutory charges, except the salaries to the county officers?—Even some of those are statutory; with regard to the clerk of the peace, his salary is subject to the control of the Secretary of State.

1255. But there is a general control in the magistrates with regard to those salaries?—Yes.

1256. But with regard to other charges, there is no control whatever?—No; except that they can, of course, make their own bargains with tradesmen, as to repairs, and such things.

1257. They may do it for less or for more; still there is no control with regard to those charges?—That is so.

1258. *Chairman.*] There is no part of the county expenditure, is there, that is controlled at all by the ratepayers?—No; the county expenditure is not controlled by the magistrates, at least not with regard to the separate heads of expenditure.

1259. In the administration, it depends very much, does it not, upon whether the magistrates are

re economical or not?—No doubt. In the outay of 7,800 *l.* on the county prison, an extravaant committee of justices might have made it uch more.

1260. Sir *Massey Lopes.*] If the Home Secreary takes the initiative in making an alteration a prison, is not it, it may be, in the power of he magistrates to say how that alteration is to e made, but the Home Secretary insists, does e not, upon its being done?—Yes.

1261. And so it is with the Lunacy Commisioners?—Yes, that would apply to buildings.

1262. *Chairman.*] As a matter of fact, one an conceive that your county rate might fall or ise to a certain extent, according as you had an conomical or an extravagant body of magisrates?—No doubt that is so; because otherwise he county rate in two counties that were exactly imilar in size, area, and number, would be the ame, and they are not the same.

1263. Colonel *Brise.*] Has there been any increase in the county expenditure in Hampshire or the last 15 years, irrespective of police?—No; I should think there had been a decrease. There has been a considerable increase in the alue of the property liable to the rate, and that would account for the decrease in the rates to ome extent. There has been, I should say, a lecrease in the expenditure.

1264. Mr. *Pell.*] You have two assessments n your county, have you not, one for the county ate, and a union assessment with regard to the oor rate?—Yes, two different assessments.

1265. Was not there an Act of Parliament assed three or four years ago, which enabled he court of quarter sessions to make an assessment for the county?—Yes, there is the County Rate Act, the 15th & 16th of Vict; and there s another Act since that, which was an amendment of it, and which says that in making that rate the magistrates need not take the poor rate basis.

1266. What was the date of that Act?—The 29th & 30th of Victoria.

1267. Under that you make a separate assessment, do you not, with regard to the county rate?—The committee may assess in any way they think proper.

1268. (To Mr. *Webb.*) But have you done so?—Yes; the county assessment was made under the previous Act, under the 15th & 16th of Victoria.

1269. Was there not a doubt after the Union Assessment Act was passed, as to whether the magistrates were not obliged to accept that as being the county rate assessment?—Yes.

1270. In order to set that doubt aside, there was legislation on the subject, was there not?—Yes.

1271. You have made no separate assessment, but you have taken the property tax assessment, if I understand you aright?—There is a separate basis. The counties have not adopted the union assessment in all cases; but in some cases they have.

1272. *Chairman.*] As you have not taken it, in some cases your valuation is really different from the poor rate, is it not?—Yes; it is an independent valuation of the county.

1273. You have utilized the best materials at your command?—Yes. There is one observation which I should like to be allowed to make, with reference to a question asked by an honourable Member just now, as to there being no county auditor. The county accounts are audited by the finance committee of the magistrates; and there is a thorough audit of the whole of the accounts, both of receipts and of expenditure.

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Mr. Clare Sewell Read, a Member of the House, Examined.

1274. *Chairman.*] You have had considerable experience of rates, both as owner and as occupier?—Yes, considerable as occupier and agent, and also, in a limited degree, as owner.

1275. Have you turned your attention to the subject of the division of rates between owners and occupiers?—Yes, I have for some time past.

1276. Could you state to the Committee what difference you think it would make to the owner and the occupier if the tax was imposed upon the one or the other?—I do not think it would be any pecuniary benefit whatever to the occupier. I believe that if the owner had to pay half the rate he would be sure to recoup himself whenever there was a re-arrangement of the rent; in all probability he would make it safe in this way: I believe the average rates are about 3*s.* 4*d.* in the pound in England and Wales; and if he were to pay half, which would be 1*s.* 8*d.*, in all probability he would say to the occupier, in order to make myself safe, I shall charge you 2*s.*

1277. Do you think that he would be able to get it?—I have no doubt that he would, as the owner of land. I do not speak about houses.

1278. Have you directed your answer chiefly to the case of agricultural districts?—Yes.

1279. Do you think that the competition for land is such that the owner would be able, if there were an increase of rates, to throw it entirely upon the occupier?—I have no doubt he would.

1280. But do you believe that at this moment that the rates are paid by the occupier or by the owner?—I believe that the increase of rates is borne entirely by the occupier.

1281. And when a lease falls in, if those rates have increased during the currency of that lease, is the occupier able to get any reduction?—None whatever.

1282. When a re-adjustment takes place, though the burden on the land is increased, you hold that it comes out of the pocket of the occupier and not out of the pocket of the owner?—Almost invariably.

1283. When the time came for the re-adjustment of the lease, if the rates have increased in any particular district, is the occupier not able to get a corresponding reduction of rent because of that increase?—I have hardly ever known it. I would say that I have never known any such great increase as there has been under the Union Chargeability Act, where some rates have been doubled. It is possible that in those cases he might get a certain deduction, but with an average increase he would not.

1284. Let us take the reverse case; supposing that the rates were reduced during the currency of the lease, would he be obliged to pay a higher rent in consequence?—He would save during his lease,

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lease, as a matter of course, and in the event of a new lease I have always found that if the landlord has not any more to pay, he is quite willing to let the tenant reap the benefit of any decrease.

1285. But you hold that if there is a case of increased charge it then comes out of the occupier's pocket?—Yes.

1286. And if it is reduced, then the occupier has the benefit?—Yes.

1287. And that, therefore, the owners do not take the amount of the rates into consideration when they re-adjust their letting?—I think that they do take it into consideration when it is brought under their notice by the tenant, but they generally say that the tenant must pay it; and, on the other hand, if it is a reduction, they do not put it on to him. I am speaking, of course, of a usual and common increase in the tax.

1288. Do you mean that it really comes to this, that the occupier paying the rates, the owner does not think much about the increase or decrease, but deals with the tenant, as if neither the one nor the other had taken place?—He takes very little interest about the rates.

1289. If the rates were charged on the owner, would it not form a more important element when it came to a re-adjustment of the letting?—I do not think it would, but I think it would be a very great benefit in other ways.

1290. Will you state the other ways in which you think it would be a benefit?—I think it would induce the owner to take a very much greater interest in the expenditure of the rates, and I believe that the rates generally would be more justly, and I will say even more generously and judiciously expended than they are now if he had some direct interest in the expenditure.

1291. Then you do not hold the usual theory, that, in the long run, the rates come out of the pocket of the landlord?—I think the general rate, of course, comes out of the pocket of the landlord, but any increase or any diminution is either saved or lost to the tenant.

1292. Then you state that the owner has no stake in the rates; do you state that absolutely, or do you mean for a certain time?—I should say from one hiring of the farm to another.

1293. But I understand you to say, that even at the end of the lease, when a new tenancy comes to be made, the owner is almost always able to throw the additional rate upon the tenant?—I think he is.

1294. And, therefore, the owner is not interested, in your view, in the interest of local taxation?—No, not in the same degree as the tenant is.

1295. At present he does not feel it; but do you hold even that he is not so much interested in it as the tenant?—He is not so much interested in it as the tenant.

1296. Would you look at it from this point of view: the tenant calculates, does he not, in the hiring of a farm upon a certain profit which he can make out of his farm, and that he shall be able to get a certain interest for his money?—Yes, he hopes so.

1297. Then he takes into consideration the rates that he shall have to pay?—Yes.

1298. Then, if there are two farms in two different unions, and the rate in the one is high and the rate in the other is low, the farms being otherwise of equal value, would he not clearly give less to the owner as rent for the one farm than he would for the other?—If the rates are high in one union and low in another, and there are no compensating advantages in the two localities, I have no doubt he would give more rent where there were less rates.

1299. In that case the owner of the land where the rates were high, if he wanted to let his farm, would be obliged to accept a lower rent than the owner of the other farm?—Yes, provided there was no compensating advantage.

1300. And, therefore, in that case the rate would come out of the owner's pocket, would it not?—It would come out of the owner's pocket in that way.

1301. What you state is rather this: that, generally speaking, any increase of rate over the whole county is thrown upon the occupier?—Yes.

1302. But that if the increase is faster in one union than in another, that circumstance will modify the terms when new lettings of farms take place?—Yes, if the increase is considerable.

1303. But you would hold that if there was an increase in one place of 1*s.* 6*d.* in the pound, whereas in another case there has only been an increase of 6*d.* in the pound, the difference of 1*s.* would have to be borne by the owner in the one case, and he would have to accept so much less rent?—If he were going to exchange the tenant it might be so; but if he were going to continue his tenant it might make hardly any difference.

1304. Therefore, if the rate were put upon the owner, the onus of changing the terms with his tenant would be thrown upon him, would it not; that is to say, supposing the owner were to pay in the first instance, instead of the tenant, when they renewed the lease it would be the owner who would have to take the first step, and say to his tenant, "You must pay me more rent, because the rates have increased"?—It would.

1305. And do you think that the owners would do that?—Of course they would.

1306. But the occupiers do not say the same thing to the landowner, "You must let me off some rent, for the rates have increased"?—They generally say so, but they do not succeed in obtaining it, as a rule.

1307. Except for the competition for farms in places that are rented differently, you think that the owner is stronger than the tenant, and is able to throw the rate on to him?—Yes.

1308. If the rates became so high that they interfered seriously with the profits of the tenants, would they still be able to do so?—No; for if they became excessive, as they were before the abolition of the Old Poor Law, if the rates were 10*s.* and 15*s.* in the pound, the landlords could not let their land then.

1309. But you think that the increase in parochial taxation has not yet been so great as to interfere, to any great degree, with the profits of the tenant, so as to make him ask for a reduction of rent?—I think it has very much interfered with his profits, and he has asked for a reduction of rent, but he has not got it.

1310. Then it has, so far, only affected his profits?—It has only affected his profits.

1311. The profits of farmers, then, have decreased in consequence of the rise in the rates?—Yes, certainly.

1312. But the rise has not been so great as yet as to have touched him in his negociations with the owner; his profits before were so large that he is able

able to bear this increase of rate, and stand the competition and pay the same rent?—His profits were small then, and they are rendered smaller now.

1313. Still they are large enough to tempt him to create such a competition, and he is still able to give the same rent to the landlord?—The competition is created by the small quantity of land and the large number of tenants.

1314. Still the profit which is held out appears apparently large enough to increase the number of those who are anxious to hire land, and who compete for land, or have you seen any diminution in the competition for land?—None whatever.

1315. Notwithstanding the increase of local taxation?—Notwithstanding the increase of local taxation, and the general reduction of farmers' profits, there is an increased competition for land.

1316. But if the landowners were to say that they had been affected by the increase of rates, as far as you are aware that would be a wrong statement, because their rents have not suffered at all?—Their rents, except in a very few instances, have not suffered. I would say that they might, perhaps, have been higher, but they have not been reduced.

1317. If there has been a diminution of the aggregate profits between the two on account of the rates, that has fallen exclusively or mainly in your belief, upon the occupier, and not upon the owner of the land?—Entirely upon the occupier.

1318. So that you would hold that the increase of the rateability of property has got nothing to do with easing the burthen of local taxation, as regards the agricultural part of the country?—That depends upon what the increased assessment would be; whether it would be from a large amount of building in the neighbourhood, or simply an improved state of agriculture.

1319. But what I understand you to mean is, that the increased burthen is not borne by those who are really receiving the rent, but is borne by those who pay the rent?—Yes.

1320. And that therefore the criterion of rise in rent has little to do with the question?—I do not think I quite apprehend the question.

1321. It may be said that if local taxation has increased, the rateable value of property has also increased; is not it a fair argument to use, to show that the rateable value having increased, it is able to bear a larger proportion of local taxation, without its being really an increased burthen?—I do not think that purely agricultural land has increased in value very considerably.

1322. Will you state your view as to the advantages to be derived by the owner feeling more directly interested in the expenditure of the rate if the owner were rated?—I think it would place the owner in a very much better position at the highway board and at the board of guardians. He is, as a magistrate, an *ex officio* guardian now, and his presence is not always looked upon as being altogether pleasant or satisfactory.

1323. He is not looked upon now as representing the owners of property?—He, no doubt is, but he is not recognised so by the other ratepayers.

1324. If he were an elected owner, he would have more power, and be more welcome at the board?—Certainly.

1325. Do you think that it would increase the good administration, if the owners were directly represented at the various boards expending the funds?—I do.

1326. And that if the owners were rated directly, some change ought to be made in the law, in order to give them such representation?—Certainly.

1327. Have you ever considered what would be the best means of giving them that representation?—Something like the Scotch plan, to depute to owners of a certain amount the election of their representatives.

1328. Which would you prefer, that the body of electors should elect a certain number of owners as members of the board, or that the owners themselves should form an electoral body, and elect the owners?—I think that the owners had better elect their own representatives.

1329. But in cases where in any union, or in any district, there were a few very large landowners, would it not become difficult to carry out that system?—I think it might; but at the same time, when I say that the owners should select their own representatives, it does not follow that they need be owners themselves.

1330. Which would be the more important do you think, that the owners should be the elected persons, or that they should have the power of electing?—That the owners should have the power of electing their own representatives.

1331. Without its being necessary that the representatives of the owners should be owners themselves?—Yes.

1332. Take such a case as a board of guardians, supposing half the rate were put upon the owners, what share do you think they ought to have in the representation?—If they paid half the rate, they should have half the representation.

1333. And do you think that it would be accepted by the ratepayers in country districts as fair, that if there were some 10 or 20 owners who owned nearly the whole of the land in the union, those owners should send half the representatives to the board of guardians?—If they paid half, I think it would.

1334. Might not that feeling come to what you have alluded to, that if the owner paid one-half of the rates he would really get it out of the occupier?—But he would pay half the increase, which he does not now.

1335. In future you would be able to get half the increase out of the owner?—During the term or the lease on which the tenant held the farm.

1336. You do not think that he would put on such a great increase as to cover himself against all contingencies?—He might; but at the same time, if there was an increase of rate it would be money out of his pocket.

1337. You think that the owners would look sharp after the administration of the rate, generally speaking?—I think that they would take a more general interest in the expenditure of the local rates; and I also think that there are several improvements which now are not done, in consequence of the owners having no direct interest, which would then be carried out.

1338. Does your answer mean that too much or too little is spent now?—I think in some cases too little and in a few cases there may be too much; but, generally speaking, I think there are a great many almost necessary improvements

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in the country that would be carried out under the proposed system.

1339. From your knowledge generally of the feeling in agricultural parts of the country, would you say that it would be acceptable that the owners should be rated for half of the rates, or for half of some of the rates?—It is really a subject that does not stir the agricultural mind in any degree. We should like to have them rated for one reason, that we think in all probability they would help us in getting off some of the burthens that are now levied exclusively on lands and houses.

1340. But the owners do not feel sufficiently interested to join now in trying to get rid of a portion of the local taxation?—I do not think they do.

1341. Does your remark as to the greater interest that the owners would take, apply to the administration of poor relief, to county business, and to the highway business?—I do not think it is of any use halving one rate and letting another be paid in whole; if you halve one I would halve the whole.

1342. Do not you think that a portion of the county rate might be entirely put upon the owners?—No, I should put it upon the Government if I had my will.

1343. If you could not do that, could you put it entirely upon the owner, or would you let it be half upon the owner and half upon the occupier?—I would let it be half.

1344. Which might have the advantage of only one collection?—Yes, which would have the advantage of only one collection; and if you have county financial boards, of course you will have representatives of the ratepayers there, which would do away with the unpleasant feeling that now exists in some parts, where the ratepayers do not think that they are properly represented.

1345. Mr. *Ayrton.*] As a matter of fact, did you ever know a case in which the rent was either increased or diminished in consequence of the fluctuation of rates?—I have, in some of the recent great changes that have taken place under the Union Chargeability Act.

1346. Do you mean that there has been a readjustment of the rents in consequence of the great changes in the amount of the rates?—Yes, but it is very exceptional.

1347. Which do you think would be the best mode of getting contributions from property to local rates; to charge half the rates upon the income tax or to charge half the rates upon the owners of the land?—To charge half the rates upon the income tax, most certainly, if general property was to contribute.

1348. In that way you would deal with the question of personal property contributing to the public burthens?—I should say that everyone ought to contribute according to his ability.

1349. Mr. *Rathbone.*] Does this affect your evidence, that it is practically the tenant who feels the increase and decrease of taxation, and who therefore alone takes any vivid interest in the matter?—Certainly.

1350. And you consider that this is not a good state of things, or favourable to good or enlightened management?—It is not.

1351. Sir *Massey Lopes.*] You think that there would be no pecuniary benefit to the occupier if there was any division of rates between the owner and the occupier?—None, whatever.

1352. Do not you think that if the owner as well as the occupier were interested in the expenditure of rates, they would tend to diminish in amount?—No.

1353. Did you not state that you thought they might be more generous in their expenditure?—Yes.

1354. But your opinion is that it would give the owners a better status to be present at meetings of guardians or highway boards, and so on, if they were rated themselves?—Yes; my idea is that the more the different classes of the community are interested in the expenditure of the rates, so much the better for the community.

1355. Could you tell us whether, in the last five years, the rates have very much increased in your own instance?—On my farm they have increased about 20 per cent. within the last five years in consequence of the action of the Union Chargeability Act.

1356. You stated, I think, that as local taxation increased, so proportionately did the farmers' profits decrease?—Yes.

1357. You were asked with reference to the increase of rateable property, how has rateable property so much increased of late years; has it been done by the fresh assessment under the Union Assessment Act?—I think that is one reason, and I should say the principal reason within the last five years, and that previously parishes were not assessed up to their full value.

1358. So that really rateable property has not increased in the same proportion as local taxation has increased?—Certainly not; I am speaking now generally of land, and my observations on land are not confined to Norfolk, because I know a good part of the country.

Friday, 25th March 1870.

MEMBERS PRESENT:

Mr. Acland.
Mr. Ayrton.
Mr. Backhouse.
Mr. Birley.
Colonel Brise.
Mr. Corrance.
Mr. Fielden.
Mr. Goschen.
Mr. George Gregory.
Mr. Hunt.
Sir James Lawrence.
Mr. Pell.
Mr. Rathbone.
Mr. St. Aubyn.
Mr. Charles Seely, jun.
Mr. William Henry Smith.
Mr. Walter.

THE RIGHT HONOURABLE GEORGE JOACHIM GOSCHEN, IN THE CHAIR.

Mr. CLARE SEWELL READ, a Member of the House; further Examined.

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1359. Mr. *Ayrton.*] As regards the relative charge upon landlord and tenant, if they are free to make a contract, so far as any contract can be altered, do you see any injustice, or can any injustice arise in putting the rate on either the landlord or the tenant to any extent?—I do not think it would be well to alter existing leases and contracts.

1360. But so far as they can make a contract, no injustice could arise in putting the burthen on either landlord or tenant?—I think it would be impolitic to put it all upon the landlord, for obvious reasons.

1361. But somehow or other, between them, it is clear that they pay the whole burthen, and whatever may be the argument as to which of them ought to bear it, between them they must bear the whole?—Yes.

1362. Then, so far as they are free to make a contract, there can be no injustice in putting it upon either of them?—There is no injustice in it.

1363. Then it comes to be purely a question of expediency, does it not?—Expediency and policy, I suppose, as to whether the owner should pay all, or half, or none.

1364. Then, the only influence that results from the rates being paid by the one or the other arises from the fluctuation from year to year, and the difficulty of either party altering his contract?—Yes; and the almost continual increase that there is in rates.

1365. You have spoken of the Poor Law Board, and the change in 1834, do you know that previous to that time the Poor Law was virtually administered by one individual, the overseer, under the control of the justice of the peace residing in his neighbourhood?—Yes.

1366. At that time, then, there was a considerable ratepayer, and another considerable ratepayer, in the form of the justice of the peace, and also a freeholder and owner of property, undertaking the administration?—Yes, and very badly it was done, I should think.

1367. Then it does not appear that the mere fact of the administrator paying the rates is any motive at all for good administration, judging from that experience, I mean?—That depends upon whether he is interested in the payment.

1368. But before the new Poor Law, both the overseer and the justice of the peace were greatly interested in the payment, and yet the administration was as bad as it could be, was it not?—I only know from results, and what I have heard; I was a child in those days, but I should fancy that generally speaking the overseer had not the same power nor the same interest as the justice.

1369. But are you aware that the justices, chiefly by their mismanagement, succeeded in getting the rates to an enormous amount throughout the country?—I do not know whose fault it was, whether it was the fault of those who administered the law, or of the law itself, but the rates were very high.

1370. There is no substantial change in the law of relief itself, is there?—Yes, a good deal, I should think.

1371. Was not it competent to them to administer the law just as it is administered now, if they chose?—I do not think you had any workhouse test then as you have now; you had no workhouses, only a poorhouse in the village.

1372. To what do you ascribe the general improvement in the administration of the law; do you ascribe it to the fact that there has been a representative board acting through stipendiary officers?—I think that there has been a more regular system throughout the district; and I also consider the test of in-door relief to be the greatest advantage that we have under the new Poor Law.

1373. Will you explain what you consider to be the difference between the *ex-officio* guardians and the elected guardians, and why the *ex-officio* guardians should not be in a satisfactory position; is it the fact that they are not elected, and therefore have no representative character?—I think it is that they are not elected, and that their attendance is very irregular.

1374. You think that it results from this, that they are in the same position as they were before, and that coming there by privilege, and not with any responsible duty to the body of ratepayers, is the

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the reason why you think the justices are inefficient as *ex-officio* guardians?—I do not know that I ever said that they were inefficient when they would attend; the complaint is that their attendance is so irregular; in some boards particularly.

1375. Will you give the Committee the benefit of your experience as to how we can best have efficient boards who will administer local affairs well, and keep down the charges?—By electing people who will attend to the business regularly.

1376. How are you to secure that?—I think that if a man attend as an elected officer, rather than as a privileged person, he would attend more regularly.

1377. Therefore, the only point to be aimed at, is to have the whole board elected?—I think so, provided you have the division of rates as between the owner and occupier.

1378. Mr. *Acland.*] You do not consider that the justice under the old system was at all in the position which has been suggested by several members of this Committee, namely, that he should pay one-half of the rates, and feel personally the rise of the rates; under the old system he was not in that position?—Certainly not.

1379. Do you think that that would be a very material element in any proposed alteration of the law?—I should think it would.

1380. Therefore, it is not simply because the *ex-officio* guardians attend irregularly, or even because they are not elected, that you think their position questionable, but because they are known by the ratepayers who are elected not to feel immediately the rise or fall of the rates?—It is one of the considerations, if people think of it; but I believe that they generally object to *ex-officio* guardians, without very much consideration.

1381. The elected guardians, the ratepaying guardians, so to speak, feel that the *ex-officio* guardians, when they vote money, will probably not feel the increase of the rates for the next 10 years?—Yes.

1382. I understood you, in your former evidence, to say that if they were in a position in which they would be known publicly to feel immediately the rise of the rates, they would, probably, not only endeavour to keep down the rates, but that they would endeavour to bring intelligence and far-sightedness to bear on the expenditure?—Yes.

1383. And you think that a board so constituted would spend more wisely as well as more economically?—Yes.

1384. In your first answer you spoke of the average rate being 3 *s.* 4 *d.* in the pound in England and Wales; and in answer to the next question, you said that you were speaking not of houses but of land; I think that that is liable to some misapprehension, and perhaps you would tell us what is the average rate in your own neighbourhood?—I said that the 3 *s.* 4 *d.* was the average rate throughout England and Wales; that includes all the local burthens.

1385. As in your next answer you happened to say, though it does not immediately bear upon that point, that you were speaking of lands and not of houses, your answer is liable to be misunderstood; and I wish you now to state what is the average amount of rate in the agricultural district in which you reside yourself?—The average amount for the agricultural portion of the county of Norfolk would be something like 2 *s.* 6 *d.* in the pound.

1386. Will you be so good as to explain to the Committee how that 2 *s.* 6 *d.* is made up?—About 1 *s.* 8 *d.* would probably be the poor rates, 4 *d.* the county rate, 4 *d.* the highway rate, and 2 *d.* the church rate.

1387. Should you be disposed to draw any distinction between those rates in consideration of the question of dividing the rates between owner and occupier, or would you apply the same principle to the whole of them?—If you expect to obtain mathematical accuracy by dividing them, I think you will find yourselves in a very difficult position; not only would you require to have different rates divided in a different manner, but you would have actually to divide the different items that come upon the same rate. For instance, you might say that building workhouses and asylums should be paid entirely by the owner, and the maintenance of the poor, perhaps, be divided between them; and then again you might go on to say that there are some charges, such as the repairs of roads, that should fall entirely upon the occupier; but I believe that if you take it as a whole, it would be very much better to divide all the rates than to tinker with them and divide some.

1388. Taking that as your general opinion, would you be so good as to take the rates one by one, and take the poor rate first; are you prepared to say that you would make no distinction between maintenance charges for workhouses, or buildings of any kind, and the current rate for relief, or would you divide both?—I would divide both.

1389. In the case of roads, I do not know whether you are aware that in Scotland the construction of roads, and the construction of bridges, and, as I am informed, in some counties the repairs, amounting to 500*l.* and upwards, are charged wholly on the owner, and the expense of the current repairs, and the salaries, are divided between the owner and the occupier; would you approve of any plan of that kind, or would you also apply the principle there of dividing equally?—I believe that the repair of highways in Scotland varies in almost every county, but the upshot of it is, that the owners pay half and the occupiers half.

1390. In England, would you recommend that the owner should pay half and the occupier half, without distinction?—If you are going to alter it at all, I should say divide that as well as the other rates.

1391. With regard to the county rate, there are buildings and bridges in some counties forming a large portion of the expenditure of the county; would you make any distinction there between the owner and the occupier?—No, I would not.

1392. Would you distinguish between rates which should be paid by large districts for the main roads, and rates payable in smaller districts for parish roads, or would you have the whole of the roads in one hand?—I think that you will require to have some large county supervision for the thoroughfare roads of a county, if you are going to abolish turnpike roads.

1393. Could you suggest a good plan for dividing those expenses; would you have any larger area, for instance, than a county; would you group counties together for certain purposes?—I do not think I should; I would take the county as the large area, and the union or highway boards for the small district.

1394. Do you think it desirable to have any roads for small byeways in parishes taken off the

é highway boards, that is to say, assuming that no distant time the highway districts will have uniformity of rate assessment, would you think desirable that there should be some small roads paired by a smaller district than the highway ard?—No.

1395. You would have the whole left in the nds of the highway board, would you?—es, if you make the Highway Act com-ilsory.

1396. Then you would only have two kinds of ads, county roads, and highway district roads?—Just so.

1397. In both cases you would divide the rate qually, would you, between the one and the her?—I would.

1398. With regard to county bridges, would ou have the county bridges paid, as at present, y the counties, or would you make any distinc-on between bridges upon a general system, and vide them as between the highway boards and e counties differently from what they now are?—Some fall upon the county now, and some fall pon the highway board.

1399. Are you aware that the selection of unty bridges in some counties has been ex-emely arbitrary?—I am aware that there has een no uniform system.

1400. Do you think that some alteration is esirable in that respect, or would you leave natters exactly as they are?—I do not say that would leave matters exactly as they are. If ey are wrong, I would put them right, but I ould have the system more uniform.

1401. Have you given your attention to the nconvenience of the present units of area for the urposes of local government; and if you have, ill you give the Committee your views upon at subject?—I have thought of it a little; I onsider that Parliament has for all civil purposes bolished the parish which we have had from the ime of the Saxons; and without reorganising a ood system, it has created an indefinite variety f areas which overlap and clash with each other; would say that in my own parish we belong to ne area for the poor law, another for the high-ay, and another for the purposes of justice; we o to one town to pay our taxes, and we go to nother town to appeal against them.

1402. Have you any sanitary districts?—The oard of guardians are generally the sanitary uthorities.

1403. Are you acquainted with the way in which the country is apportioned or not appor-ioned for the purposes of arterial drainage?—Generally speaking, if there is no navigable iver, there is no arterial drainage in the country t all.

1404. I asked you if you thought the county would for all purposes be the largest area; do not you think that if England ever takes up the question of arterial drainage in a thorough man-ner, it will be necessary to form districts for certain purposes larger than counties?—It is possible that you may have to take up a river basin or something of that sort, which would ex-tend perhaps into several counties; but what I should like to see, if there is to be any re-arrangement is, that highways, poor laws, and the administration of justice, and, as far as possible, taxes, should all have one and the same area.

1405. You would think it desirable to have the unit such a unit as a man can ride to on his saddle-horse or drive to in his gig, for almost all purposes?—Yes, I would take a moderate-sized union as the unit.

1406. But do you also want a unit within reach of a man's own house, amongst his neighbours, as far as he can walk to, say a couple of miles for certain purposes, for instance, education which is coming on, do we not want a civil parish within convenient limits?—Yes.

1407. Is there not great inconvenience arising from the fact that the old parish we had originally sent their guardians and way wardens in certain proportions to those local boards, would it not be better to decide upon a reasonable size for the civil electoral district for purposes of guardians or way wardens, and then to group parishes with that view?—That is a very general question, and if all were properly arranged I should say, yes.

1408. With any such view, is it not desirable to endeavour to rectify the boundaries of parishes where, arising from ancient antiquarian causes, they are extremely inconvenient?—I do not see any objection to grouping two or three small parishes together, for the election of officers to the board.

1409. What population, on a rateable value, would you call a reasonable size for election of a way warden or a guardian?—A population, perhaps, we might say of 500 to elect one officer.

1410. Do you think that all boards would be better constituted if they were not obliged to send or to take almost the only man in the parish as a guardian?—I know that in some very small parishes in Norfolk it is extremely difficult to find a man who is willing to attend.

1411. Supposing that Parliament should decide to divide the rates between the owner and the occupier, it would be still more desirable to reconsider the electoral districts, would it not?—I should think it would.

1412. With regard to the existing engagements between landlord and tenant, supposing the case of a farm, the net rent of which is 200 *l.*, but with 25 *l.* rates, which is on the scale of 2 *s.* 6 *d.* in the pound, and, supposing that Parliament were to decide that the rates should be paid half by the owner and half by the occupier, would it not be quite possible to provide, in such a case as that, that there should be an arrangement between the landlord and the tenant based on the existing system; because it is not to be supposed that the intention of Parliament would be to make the tenant a present of 12 *l.* 10 *s.* a year?—I think it would be undesirable to interfere with existing leases and agreements; and I am perfectly sure that in any fresh arrangement with the tenant, the tenant would come off worst.

1413. We will suppose it to be the case of a lease of 21 or 14 years, you would leave the existing arrangement untouched and leave the parties to settle as they please?—Yes, I would.

1414. But in case there was no lease, would you bring the new system into operation at once?—Not till they came to a fresh agreement as to rent.

1415. But then your law would be practically not acted upon?—Even in the Irish Land Bill, which some consider a revolutionary measure, you do not propose to interfere with existing agreements, except in very small farms.

1416. I mean where a man is renting by word of mouth or tenantry at will, and tenancy from year to year, you would surely not pass a law that the rate was to be paid one-half by the owner

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and one-half by the occupier, and leave them by a sort of tacit contract to contract themselves out of it, and evade the law, would you?—Take my own case; I have no agreement, I farm from year to year without a word being on paper of any sort or kind.

1417. Could not you very easily make an arrangement with your landlord to take the existing rate as the basis, and that if he paid one-half the rate, you would pay him whatever the amount might be in future as an addition to your rent; would that necessarily open the question of the value of your farm?—I should not wish to come to a fresh arrangement with my landlord.

1418. *Chairman.*] If a law were passed now that one-half the rate should be put upon the owner, do you expect that your owner would come upon you and ask for more rent?—Of course he would.

1419. Then he would disturb the existing agreement?—I think so.

1420. Mr. *Acland.*] Would there be any objection to adopting the principle of the income tax, that the tenant should pay half the rate, and the landlord half; the tenant to have the right to recover it from the landlord, and then leave it to the landlord and the tenant to settle it how they pleased?—You see the property tax and the cattle plague rate were both new changes, and they never previously entered into consideration in letting land, and therefore they are not similar.

1421. If I understand you aright, you would have a law passed in such a state that it would not be acted upon?—It would be gradually acted upon; I do not think that you can interfere with existing agreements and leases so as to have it become general all at once.

1422. Will you give us your opinion upon the best mode of electing the owners on those boards; we will begin with the highway board and the boards of guardians; how would you elect the owners on those boards?—I would have every owner of, say, 20 *l.* have one vote, and one vote for every 50 *l.* up to perhaps six votes, or something of that sort. Then, if you want a very small owner to have a voice in the matter, I do not see any reason why four or five of them should not club together so as to make one vote.

1423. Do you think that it would be politic in this country to pass a law giving all owners of 20 *l.* power to levy a tax on a small freeholder without giving this small freeholder a voice?—That is what I said, that I would allow four men that had 5 *l.* worth of property to club together and give one vote to the vestry.

1424. But supposing that to be thought very inconvenient and difficult of arrangement, you would not leave them without a vote, would you?—I do not see that it would be very difficult to arrange; it would prove that they did not care about the vote if they could not arrange matters between them.

1425. Have you considered the best mode of rating river basins or other districts in which great agricultural improvements may be made by drainage or otherwise?—That is generally done by Act of Parliament, and I do not think you can do it without some special Act to apply to a special district.

1426. One of the points which are referred to this Committee is the arrangement between owner and occupier; how would you apportion the improvement of a district between the two?—Generally speaking, I think all drainage rates in the fens are charged direct upon the owner.

1427. I understand you to be in favour of constituting financial boards, not on the basis of justices and ratepayers, but of owners and occupiers?—Yes.

1428. Supposing we are to have a county board representing equally the owners and the occupiers of the districts liable to county changes, whatever they may be, by what process would you elect the representative of the occupiers and owners?—I would have each board of guardians send one member for the occupiers, and the other for the owners.

1429. Do you advisedly say that you would intrust that duty to the board of guardians and not to the highway boards?—I do not care which, if they were both elected; I think in all probability they would be the same persons.

1430. Supposing that we had a rectification of our local areas, and that we had the same district both for poor administration and road administration, we should perhaps come to having one governing body for the whole; but we must assume at present that we have two distinct areas and two distinct bodies as between the relief of the poor and the construction and repair of the roads; which do you think is most closely connected with the county business?—As at present conducted, I suppose that the poor relief in consequence of the poor rate having to pay the county rate; otherwise, I should say, the highway board.

1431. Is there as close a relation between the relief of pauperism and the county administration as there is between it and the roads and bridges and prisons, and so on?—We have mixed up so many things with the poor rate that the actual relief of the poor constitutes but a small portion of it, and therefore I should say that the county boards would be better represented from courts of guardians than from the highway boards.

1432. Mr. *Walter.*] Should you not consider the whole of the rates which fall under the denomination of poor rates as a burden upon land subject to certain fluctuations of benefits, or of losses which fall upon the occupier, upon the person who directly employs them?—Yes.

1433. But with that qualification, you would consider it, would you not, a burden upon land paid by the owner of the land?—Yes.

1434. Do you consider that there is any difference in principle between local rates regarded in that point of view, and tithes?—Tithes are practically a fixed sum, and rates are not.

1435. But subject to the qualification of the rates being liable to certain fluctuations, more or less, and tithes being to a great extent, though not absolutely, a fixed charge, you do not consider that there is any distinction in principle between the incidence of tithes and the incidence of rates?—They are all burdens upon land.

1436. I presume that nobody supposes that tithes on land are really paid by the occupier, whatever the arrangement be between him and the owner?—No.

1437. In your county, is it the custom for the occupier, generally speaking, to pay the tithes, or does he compound with the owners for a higher rate in consideration of the owner paying the tithes?—Of late years it has been more the custom for the owner to pay the tithes, but a great number of farmers still pay the tithes direct to the clergyman.

1438. Looking

1438. Looking at the tithes as practically a ...ed charge, have the tenant farmers, do you ...ink, any preference for the payment of the ...thes themselves, or a composition with the ...vners?—I think that, as a rule, they would ...ther pay it all in one sum direct to the landlord, ...ecause amongst other things the parsons gene...lly expect payment on a day when the tithes ...e due, and the landlord always gives three ...onths' grace.

1439. Do you think that the tenants would, as ... rule, be desirous of compounding with the ...ndlords for the payment of all other charges ...sides the tithes, the poor rate, county rate, ...ghway rate, and so forth, and be willing to pay ... equivalent rent in consideration of that com...utation?—I think probably they would as rates ...ve so continuously increased.

1440. They would be willing, you think, to pay ... fixed rent, rather than to take the chance of the ...tes increasing?—Yes, but then the owners, ...ther than the occupiers, should spend the rates.

1441. The increase in that case would be ...rne by the landlord, would it not?—Yes, in ...at case the increase would be borne by the ...ndlord.

1442. Is it not difficult at present to make any ...ch arrangement with the tenant for the pay...ent of particular rates, in consequence of their ...ing so mixed up together that it is difficult to ...parate the one from the other?—Yes.

1443. Is it not desirable, in your opinion, with ...view to such an arrangement, to make a more ...mplete classification of the rates, so that tenants ...d landlords might mutually contract for the ...yment of such rates as they thought desirable ... be paid by the landlord?—I think it very neces...ry that we should know when we pay a rate ...at it is paid for. For instance, take the ...arter's poor rate, and say, it is 6 *d.* in the ...und; we do not know what portion belongs ... the county, what to the police, and what is ...tually paid to the poor; I think that there ...ght to be a classification.

1444. To what extent, if any, in your opinion ...es the liability to the payment of rates influence ...e employment of labour; I mean to what extent ...e tenants induced to keep men on longer than ...ey otherwise would, or are they to any extent ...duced to do so, in order to prevent their being ...rown upon the rates?—When every parish ...aintained its own poor, there was a certain in...cement for even a small farmer to keep on a ...an that he did not particularly want in the ...nter, but since we have had the Union Charge...ility Act, that has in a great measure been ...ne away with, and I think that the small ...rmers are more inclined to get rid of their ...bourers in the winter, the slack months of the ...ar, than they were formerly. But I do not ...ink that that would be extended now in conse...ence of your dividing the rates; and if I might ...y why I think so, it is because if you look at ...eland and Scotland, where the rates are divided, ...e fine the burden of the poor considerably less ...ere than it is with us, and I consider that our ...eat extravagance in out-door expenditure is the ...ief cause of our pauperism.

1445. In parishes where the landlord is resi...nt, and where the tenants throw people off in ...e winter months, is it usual for the landlord to ...ke any considerable number of those people, ...d find them temporary employment in order to ...ep them off the rates?—I do not know that ...ndlords do that more than some enterprising ...

tenants. There generally is a man in the parish who is an improving tenant, and he drains and grubs hedgerows and that sort of thing in the winter, and, of course, where he is a rich landed proprietor, he is trenching and planting, and felling timber, which is best done in the winter, and he employs the surplus labour. There has also a custom sprung up in our county, and I think everywhere else, of the steam-threshing machines going round in winter with large gangs of men, some 10 or 12, and they take off a good deal of the surplus labour in the winter; so that I think, generally, there are very few agricultural labourers out of employ in the winter.

1446. Mr. *Corrance.*] You have stated that the owners can command the increased rates in their present rents; could they command the best tenants at such an increased rate?—If the land had previously been rated at its extreme value, they could not.

1447. And they would be obliged, in fact, in the case of such increase, to take a worse tenant?—Yes.

1448. And the worse tenant would virtually constitute a worse offer for the farm?—Yes.

1449. So far the increase of rate would actually depreciate the value of the farm, at all events?—Yes.

1450. Is it not the case that when a farm is let the tenant always asks the amount of rates, and will abate his offer accordingly?—He invariably asks, what are the rent, the tithes, and the rates; and he makes his offer accordingly.

1451. Is it not then the case that if the rent is high, men of capital would decline to bid?—If the rent is too high, they would.

1452. But smaller men would bid?—Men of less capital, or of very hopeful temperament, might bid.

1453. Do you not think that this alienates capital from the farming occupation?—Yes.

1454. In answer to a question of the Right Honourable Chairman, you said that the increase of rateable value, as denoting increase of rent, might not, after all, constitute an increased burden if the value of the rateable property has in the meantime increased; of whom did you speak in that case, of the landlord or tenant, or to put it in this way, the rates have increased, but the value of rateable property has also increased; the increase of the value of rateable property depends upon the increase of the rents, and the rents may have been raised by simple competition; would you not consider that as constituting an increased burden, not upon the rental, or upon any portion of the produce, but upon the produce itself?—Yes.

1455. When a larger part of the gross produce is thus taken without a corresponding advantage?—Yes.

1456. It would then be a heavier burden upon produce, at all events?—Yes.

1457. When you spoke of the advantages accruing from the landlord directly paying his share of the rates, did you contemplate all rates?—Yes.

1458. Do you see no reason to exclude poor rate?—No.

1459. You have stated that under the operation of Union Chargeability Act, a small employer of labour is less anxious to keep all his men during the winter; is not that because the rate no longer falls upon him in the same proportion?—Yes.

1460. Do you entertain no apprehension that if the owner paid the rate, the same consequences

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might ensue?—I think they might be increased slightly.

1461. Would not precisely the same effect be produced on his mind by any relief of any kind whatever?—The same effect would not be produced upon his pocket, because now, if a man has a farm which is rated at 50 *l.*, and he has to pay a labourer 12 *s.* a week, and does not want him, he turns him off, and if he goes upon the rates that small farmer bears perhaps only a thousandth part of the rate which would be increased by that man going upon it.

1462. That is under the Union Chargeability Act?—Yes.

1463. In case there was a division of such rates, it would only fall upon the half-a-thousandth part?—It would; but I do not think that that would be anything like the same inducement as the union chargebility was.

1464. At any rate, you have said that it might lead in some degree to a discharge of labour; would not you be apprehensive that that might lead to increased pauperism in the country?—As I said before, I believe that if you divide the rates you would get no economy, but probably a more generous and enlightened expenditure of them, and consequently increased rates.

1465. And a generous distribution of the rates includes increased pauperism as its results, does it not?—The main portion of the poor rates are not applied to the actual relief of paupers in these days.

1466. I am supposing only the poor rate; I have asked you whether you see no reason to except those poor rates from the operation of such a division as this, and whether you would not be apprehensive that this larger and more generous application of those rates might not lead to increased pauperism in this country?—I do not think it would be appreciable; I do not doubt that it would in a slight degree.

1467. Would not you esteem it a great evil if this was the result?—If you had increased pauperism, no doubt.

1468. In what sense did you use the word "generous" application of the rates?—I meant to say that the rates now-a-days are not applied exclusively, or in the great majority of instances, to the actual relief of destitution, that there are so many things that you have now charged upon the rates, we will say roads and buildings, and all those sort of things, which really have nothing to do with the maintenance of the poor. Even if you took the poor rate at 6 *d.* in the pound, how very little of that actually goes in the shape of direct payment to the poor; not one-third of it does.

1469. Mr. *Walter.*] Would your interpretation of the words "generous administration" apply more to medical relief, or to what kind of assistance?—I mean to more just and liberal expenditure of all the rates of the kingdom, independently of the actual relief to the poor.

1470. Mr. *Corrance.*] You have spoken of the election of owners by owners, and of occupiers by occupiers, and under such an arrangement you have spoken also of plurality of votes; would you not consider it a far better arrangement that one common body of ratepayers should elect both under separate qualifications?—I have only thown out the suggestion; I have made no definite plan in my own mind.

1471. You would entertain no objection, would you, to both being elected under separate qualifications, both as owner and as occupier by the same common body, which would obviate the antagonism between the two?—I think you might do that.

1472. And they would represent the common body of ratepayers at large?—In the country certainly they would; I do not know much about towns.

1473. Concerning the effect of such taxation when levied on the occupier class, is it not your opinion that it discourages the employment of capital thus brought under its incidence?—Yes.

1474. And that such capital will consequently seek out other trades?—Yes.

1475. You are of course aware that labour is dependent on capital, and must follow it into all the more productive fields of employment, and unless it does so, what would be the result, that is to say, supposing that capital is diminished in any one employment, what would be the result upon the labouring class employed?—They would have to go elsewhere for employment.

1476. Supposing that they do not go elsewhere for employment, and that being agricultural labourers they are not fit to go elsewhere, what would be the result?—They must either emigrate or come upon the rates.

1477. If the capital were insufficient for their employment, and they were still to remain in large numbers in that employment, would not the result be to depreciate the wages of labour?—Very probably.

1478. Then if more capital came into a trade or employment, the wages would rise, would they not?—Yes.

1479. To this, agriculture, I presume, forms no exception?—No.

1480. Then, to a certain extent, the low wages for agricutural labour is a consequence arising out of its peculiar burdens of this sort?—Yes, in a degree.

1481. Would a division of the burdens between landlord and tenant obviate this?—No.

1482. You stated, did you not, that you do not recognise a distinction between tithes and rates; is not there this distinction, that tithes are absolute property and rates are not?—I suppose that the question was put to me from a farmer's point of view, and not as a politician or political economist.

1483. Is not tithe simply a rent, neither more nor less?—Yes.

1484. And it is paid to the owner when the tithes are merged in it?—Yes.

1485. We have examples of that sort almost every year; does the tithes being merged tend in any way, do you think, to the advantage of the tenant who hires a farm?—No, I do not know that it does.

1486. Are they not generally valued at their full amount?—I think they are.

1487. Mr. *W. H. Smith.*] You have expressed an opinion, as to whether it is desirable that the rates should be paid by the owner or the occupier have you given any attention to the question o rates in large towns?—No.

1488. You have no scheme in your mind, I presume, by which any arrangement of that sor could be carried out in large towns, with regar to house property?—I would rather not talk o what I know nothing about; I have my idea upon the subject, but they would not be wort anything to the Committee.

1489. You have mentioned the Irish Poor Law in Ireland and Scotland the rates are paid by th owne

owner and the occupier, and you attribute the smaller cost of the relief of the poor in Ireland and in Scotland to that system, do you not?—No, I beg your pardon; I only meant to say that that was an instance which I brought forward, to illustrate that it did not increase the rates.

1490. But are you aware that in Ireland, at all events, out-door relief is the exception and not the rule?—Yes, just so; and that is the main cause of there being so few paupers; I believe that in England we have one pauper in every 20; in Scotland 1 in 35; and in Ireland only 1 in 85, although they are so poor a people.

1491. So that you do not attribute the economy of the administration of the Irish Poor Law to the fact that the owner pays one-half the rates, and the occupier pays the other half; but rather to a difference in the law as it is applied in Ireland compared with England?—Certainly; the great reason, I consider, is the more stringent restriction of out-door relief in Ireland; that is to say, the workhouse test.

1492. *Chairman.*] Do you approve of the workhouse test?—Certainly.

1493. Mr. *Backhouse.*] If you divided the rates between the landlord and the tenant, how would you collect them, through the tenant, allowing him to deduct them from the landlord, or direct from the landlord?—Certainly in the Irish way, and not in the Scotch way; you should collect direct from the tenant only, and not make two collections.

1494. I think you said that part of the local taxation ought to be borne by the Imperial taxation; can you tell us what class of local taxation you think ought to be borne by the Imperial taxation?—I think that almost the whole of what is now called county rate ought to be paid by the Imperial taxation.

1495. What check would you have upon the extravagance of local management expending the Imperial funds?—We have a very strong check now upon the expenditure of the county, to which the Government contributes a little, because they have certain inspectors, and if you do not do what they tell you they threaten, and do sometimes stop the Government allowance. If you were to extend that very much indeed, so as to make a contribution of one-half towards the poor rates, I for one should not at all object that the chairman of the board of guardians should be a Government official.

1496. Do you think that it would be desirable that the poor rate for monies absolutely expended in the relief of the poor, should be specified as a rate separate from the other rates which are now added to it?—Yes.

1497. Mr. *Birley.*] In recommending a division of rates between owner and occupier, your object is the better administration of the rates, is it not?—Yes.

1498. I understood you to say, the other day, that you thought that the owners' representatives would look after many things better than the occupiers' representatives do, and that in other matters they would be more generous; that is to say, that several improvements which now are not done, in consequence of the owners having no direct interest, would then be carried out; is that what you mean by a more generous application of the rates?—Yes; and I have been told (I do not know whether it is so) that in some towns, boards of guardians, in consequence of the owners taking no interest whatever in the administration of the rates, are inclined to jobbery, and I think that you get a class of guardians that are open to that accusation. I do not think they would be so if you divided the rates as suggested. But I wish, if you please, to express my opinion generally, and to state that I have never said that I was so greatly in favour of dividing those rates. I have given reasons, I think, both for and against; but on the whole I think that it would be advisable.

1499. For the reasons that you have just stated?—Yes.

1500. And you think that, if there be any division, it should be one that should be simple, and easily understood, and it is for that reason, I presume, that you recommend an equal division, rather than placing certain rates upon the landlord and other rates upon the occupier?—Yes.

1501. Sir *James Lawrence.*] Reference was made just now by an honourable Member to the increase of rent, as having the effect of causing less capital to be employed upon the land; has not the rent in Norfolk increased very largely within the last 20 years?—In some districts it has; in other districts it has not.

1502. In those districts in which it has increased, has the effect been that less capital is employed?—The rent has been increased by the application of capital.

1503. Then, where the rent has been increased, the capital has not been lessened, but rather the employment of capital has increased upon the land where the rent has increased?—Where you have had the rent increased by a large expenditure of capital, of course the capital, which was personal property before it was placed on the land, has increased its value.

1504. Are you prepared to lay down any general rule, such as Mr. Corrance laid down, that an increase of rent necessarily involved the withdrawal of capital from land where the rent was so increased; has not the effect been exactly the contrary throughout the district of Norfolk?—If you hire land at 2*s.* 6*d.* an acre, and by improvements have to pay the rates upon an assessable value of 1*l.*, of course that is an increased capital. There has been land in Norfolk which has been increased within this century from 2*s.* 6*d.* an acre to 1*l.* an acre rent at the present time; but then, on the other hand, there is a large quantity of land that was farmed pretty well 30 years ago, and is farmed pretty well now, and it commands about the same rent.

1505. Then you would not adopt any general principle or rule about it?—No.

1506. Excepting that the raising of rent has not driven capital away from the land on which rent has been so raised?—If you increase the value of land by the tenant's and the landlord's capital, it is worth more rent and of course more capital is required, not only to pay the rent, but to farm the land.

1507. You have stated that by the Union Chargeability Act the effect in some measure had been to throw more people out of employment during the winter, and you were asked what would be the effect if the owner paid half the poor rate, whether the tendency would not be in the same direction; the question I wish to put to you is this, whether the tendency would not be exactly the reverse; that if the owner were interested, which he would be more largely than the tenant, as holding perhaps much more land than some tenants would hold, would not his interest be that the people should be in employment rather than out of employment?—Yes; and the result would

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probably be that you would put two burthens upon the owner; you would first of all make him employ more labour and then pay more rates.

1508. With regard to the wages question, does the lowness of wages depend at all upon the burthens upon land; does not it depend entirely upon whether a larger number of labourers are seeking employment than employment can be found for them?—Not in agriculture generally; the price of labour depends more upon the value of wheat in the purely agricultural districts.

1509. Do you not know it was a fact that throughout Lincolnshire, for example, whenever the number of labourers has diminished the amount of wages has always risen?—I should think so, and so it would anywhere else, if labourers became really scarce.

1510. Then the rate of wages depends not altogether upon the peculiar burthens upon the land, but upon other circumstances?—Yes; but if you always have plenty of labourers it does not follow in the same proportion; you may have too many.

1511. You made some reference to Imperial taxation as superseding, so to speak, a portion of the local taxation; did I understand your answer rightly, when you stated that you believed the control which would be exercised by the Government in contributing a portion of the rates to the poor, as they do now to the police rate, by withholding at their will, the contribution would prevent any extravagant employment of those rates?—I think it would.

1512. You were asked if the amount of rates was always ascertained and considered in the offer made for the occupation of land; what difference can it make in the employment of capital if the tenant pays his rates in the form of rent to his landlord?—You must remember that in agriculture we change our tenancies very seldom indeed; and that in the majority of instances on the larger estates of this country, when once a man gets upon an estate, and he pays a fair rent, the landlord does not disturb him, and very frequently does not ask for any increase in the rent; consequently all that he can save out of the local burthens goes into the tenant's pocket, and all the increase has to be paid by the tenant.

1513. Colonel *Brise.*] I think you stated that the presence of *ex-officio* guardians is not always looked upon as being altogether pleasant or agreeable at boards of guardians; has not this reference mainly to interference on their part in the election of the officers of the board of guardians; which they are in the habit of attending only occasionally?—In some boards you have two or three *ex-officio* guardians who regularly come, and they are the most useful guardians upon the board; you may have some doctor to be elected, or some relieving officer that wants an appointment, and you get a whole shoal of *ex-officio* guardians to attend; but you do not see them any more until the next election; I would not confine that remark entirely to the *ex-officio* guardians, because a great many elected guardians are just as bad.

1514. But if the *ex-officio* guardians are regular in their attendance, and are known to take a general interest in the proceedings of the board, do they not always have a hearty welcome at the board?—Yes, all those that come regularly; they are always glad to see them.

1515. Do not you think that the presence of a preponderating number of owners, if they had half the representation for instance, would have a great tendency to increase the expenditure of the union?—I have said before that I should think it would have a tendency to increase it; but I do not think it would be so to any great amount. Gentlemen, generally speaking, might be more liberal than farmers; but if they had to pay for it perhaps, they would not.

1516. I think I understood you to say that, if half the rates were put upon the owner, the occupier would not derive any benefit at the end, but how would it be if the county rate only was put upon the owner; would that lead to any increase in the rent, do you think?—The effect would be that if the owner paid all the county rates you would not want any county financial boards.

1517. And that would be a benefit to the occupier in this way, would it not, that in all probability the increase would be so small upon the owner that he would not make any alteration in the rent?—Most probably not.

1518. Have you taken into consideration that if you put half the rates on the owners, and the owners had to increase their rent, the owners would have to pay increased taxation, income tax, inhabited house duty, and probably, also rates?—I should suppose that in that case you would allow a deduction of rates in the same way as you do land tax at the present time.

1519. I think you say that if an occupier asked for a reduction of rent, owing to the rates having increased, as a rule he does not succeed in obtaining it; is not this because landlords, when they let their farms make an agreement with the tenant to pay all rates and taxes, however fluctuating those rates may be?—I do not think that as a rule a tenant would go to the landlord to ask for a reduction of rent, but he would name it when they came to a fresh agreement, or a new tenant hired the farm.

1520. Mr. *Pell.*] Is there any land tax upon any land that you occupy of your own?—Yes.

1521. Is that collected from the tenant?—Yes; collected from the tenant, and paid by the landlord.

1522. Did you ever know a bargain between a landlord and tenant, that the land tax should be paid by the tenant, and not recouped to him?—Never. We have in some parts of Norfolk an exceptional rate, which is collected about once in seven years, I think, which is called a sea-breach rate, that is collected from the tenant, and paid by the owner.

1523. Does the tenant ever take upon himself so far as you are aware, the payment of that rate?—No, I never heard of it; it is an extremely irregular and fluctuating payment, sometimes it is very little, and sometimes it is rather heavy.

1524. In answer to question 1321, you stated in purely agricultural districts there has not been much advance in rent; is that really so?—I think I have answered that question before to-day; I mean to say this, that if there has been no extra application of capital to the land there has been but little increase in the value of arable land; but wherever there has been an increase in rent, it is almost all owing to the application of personal property to the cultivation of the land.

1525. The poor rate is a personal charge, is it not, that is to say, it is charged upon the tenant, and not recoverable upon the soil itself, like tithe?—No, it is not like tithe, they would seize a man's goods if he did not pay the poor rate.

1526. Is not a farmer assessed to the rates on his

his rent, which is supposed to be double the amount of his profits?—Yes.

1527. Is there any other producer, trader, or manufacturer, rated in a similar manner, that you are aware of?—No, certainly not.

1528. The inland revenue officers assume that, do they not, in assessing the income tax?—We pay under schedule B. on half our rents.

1529. Do you know what the average ratio of poor-rates to profit is upon agriculture, or rather would not it be from what we have heard already about 25 per cent.?—It is about 11 per cent. upon his rent, and therefore it is about 22 per cent. upon his profits.

1530. I think that you stated, in answer to almost the first question put to you in your examination the other day, that the poor-rates were about 2 *s.* 6 *d.* in the pound in purely agricultural districts?—All the rates are 3 *s.* 4 *d.* throughout the whole of England and Wales, and our rates in Norfolk would be 2 *s.* 6 *d.* in the agricultural districts.

1531. Two shillings and sixpence in the pound is, as nearly as possible, 12 per cent., is it not?—Twelve and a half per cent.

1532. If the profits are equal to half the rent, which is assumed by the income-tax officers to be the case, the rates would then be 25 per cent. upon your profits, which would be double?—They would upon the farmer's profit. I believe that in America a hereditament is not assessed upon its annual value, but upon the profit which is supposed to be made out of it, consequently if we had that principle here, we should have a very different assessment of manufactories and land.

1533. Do you know the amount of capital employed in cultivating poor light land in Norfolk?—Yes.

1534. Is it not large, with reference to the natural value of the soil?—Yes.

1535. You have told us, have you not, that rents have risen very much in Norfolk this century from 2 *s.* 6 *s.* up to 1 *l.* an acre?—Yes. In some districts where great works in the shape of drainage have taken place, or in other districts, light land districts, where a very large expenditure, chiefly on the part of the tenant, has increased the letting value of the land.

1536. But in other districts, such as Marsh Land and good land in Norfolk, the rent has not much altered?—Where there has been no extra expenditure on the part of the landlord or the tenants, the rents have not risen very much.

1537. Then it comes to this, does it not, that in Norfolk rent has become very much a measure of the tenant's capital, or of capital successfully applied to the land?—The application of personal property to the land has raised the rent and the assessment.

1538. Does it not follow that the poor rate has almost become a direct tax or rate upon the capital employed in agriculture?—I should say so.

1539. And that in a very much larger proportion, at all events upon the poor land of Norfolk, than upon the good marsh land?—Certainly, because on those soils which now produce an immense amount of corn and meat, the rent is out of all proportion to the gross produce. It used to be considered in olden times a fair thing if a farmer made three rents, but if he does not make five rents on those light soil lands he could not live now.

1540. Therefore the rise in the assessment for rating purposes on poor land depends in Norfolk upon those poor lands upon the amount of capital laid out by the tenant?—By the tenant in a great measure, and the landlord in a smaller one. The landlord puts up the buildings, but if you do not get the tenant to put plenty of his capital into the land, the buildings are of no use.

1541. So that it comes to this, that you tax upon those poor lands the profit of the capital expended upon them at the rate of about 12 per cent.?—The income derived from every pound of personal property that a man puts into the land is taxed to the extent of 2 *s.* 6 *d.* in the pound.

1542. When you say that landlords have not felt the present increased local burdens as much as the tenants, would not their rents have increased if the rates had not been so high?—If they had let their lands at their full and extreme value, no doubt it would be so, but as I have said before the great landlords of England generally let them on a reasonable rent, and do not afterwards disturb the tenant, and consequently the tenant rather than the landlord feels the effects of increased rates.

1543. You have also said that the profits of farmers have diminished of late years; if so, how has it come to pass that the competition for the hiring of land has increased?—Independently of there being a great number of farmers' sons, there is an immense competition for land sprung up in consequence of rich traders and merchants sending some son who is good for nothing else, to take a farm, and he occupies his land really more with the idea of occupation and stowage than with the idea of making a fortune or earning his living.

1544. Have you been a guardian of the poor yourself?—Yes.

1545. For any length of time?—In different places I have been.

1546. Do you find yourself, from your own experience at the board, that there is a tendency to give more out-door relief than there used to be, and a less inclination to test a pauper by the house?—I think that there is a slight tendency since the Union Chargeability Act to give more out-door relief, and to be, I will not say, less harsh, but more generous in the out-door allowances for temporary sickness and medical orders.

1547. Do you look upon this as applying a rate in aid of wages, or has it led to it in practice, in your opinion?—I do not think that you can look upon it in the way of being a rate in aid, but there is no doubt that it has an immense influence upon the habits of the poor, and that if they could not so frequently run to the board of guardians on the most trivial occasions, and know that they would get out-door relief, they would be more provident than they are.

1548. Do you, from your own experience as a farmer, find this to be the case, that people who are in receipt of out-door relief are occupied very frequently in working their own allotments, and in doing trivial work of that sort, and thereby making a compound income, the result of their own labour and of that which is given them out of the rates?—I should say not as a rule; a man who would be utterly unable to go to work for a farmer for 10 hours in a day might very well work for half an hour at a time in his garden or allotment.

1549. Mr. *Rathbone.*] Did I rightly understand you to say that the usual calculation of a farmer

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is, that he ought to be making three rents to be doing a fair business?—I said that that was the old calculation.

1550. Do you think that that is about the calculation now?—No, I think that there are so many more expenses to which a farmer is put in these days that, unless he makes very considerably more than three rents, he would not get any profit at all.

1551. What do you mean by making three rents?—That his gross produce should be three rents.

1552. Have you made any calculation as to what, in the case of an ordinary farmer, not a very large or a very small one, would be considered a fair average profit for a farmer to make?—Ten per cent. is the supposed return on his capital invested.

1553. Independently of his living?—No, including his living; of course there are a great many small perquisites at a farm-house that are never calculated, such as eggs, milk, &c., but he would not make 10 per cent. and his living, and I may say that I never made 10 per cent. for two consecutive years in my life, but that may have been my fault perhaps from not farming properly.

1554. I think I understood you to say that you were in favour rather of dividing all the different rates between the owner and the occupier, than laying one rate upon the owner, and one on the occupier, and that it was advisable to do so in order to give each an interest in the rate and leave each to take his share of the administration?—Yes.

1555. And on the other hand, when you spoke of dividing the burdens between the Imperial taxation and the local taxation, did I rightly understand you to refer rather to the Government taking the whole of certain expenses, such as the county rate, than dividing the county rate and the poor rate between the Imperial and the local taxation?—I think that as at present administered, there are certain rates which the Government could take upon themselves without any fear of their being squandered; but there are others, for instance, the poor rate, with regard to which if the Government contributed one-half of the present outlay, they might want a more strict local supervision than now exists.

1556. But do you not think that it might be still better if the Government were only to give a certain fixed contribution to the different local expenditures, and leave the balance of such expenditure to be borne by the rates paid directly by those who elected such managers?—I should be very glad if they would give anything; if they would give a good large fixed sum it would be very much better than giving nothing. I should say that there are very great advantages in the plan which you have suggested.

1557. What, in your opinion, are the effects of high rates on poor lands; is it to throw them out of cultivation?—The effect of greatly increased rates and other burdens tend to throw that sort of land into grass.

1558. You proposed that the representatives of owners and occupiers on county boards should be chosen by the boards of guardians; would you propose that the whole board of guardians should choose the representative for the owners, and the whole board of guardians should choose the representative for the occupiers, or that the representatives on boards of guardians of owners and occupiers should each choose their own representative?—They should vote in classes.

1559. Mr. *Fielden.*] Do you mean that the owners should vote for the representative owner and the occupiers for the representative tenant?—Yes, the occupiers should select their representative and the owners theirs.

1560. Mr. *Hunt.*] Going back to the question that we started with at the commencement of your examination the other day, that is, how far rates are paid by owners and paid by occupiers, may we not consider that in one point of view all that the occupier pays for his land, whether in rent or rates, is that which is the annual value of the land to him, or what it is worth his while to give for the land?—Yes.

1561. And therefore, whether he pays it in the shape of rent, or in the shape of rates, it makes no difference?—Not if he pays a fixed sum, certainly not.

1562. Putting aside tithe, we may take it that what the occupier pays may be divided into two heads, rent and rates; at present the occupier pays the rent to the landlord, and he pays all the rates himself directly, does he not?—Yes.

1563. And you said to-day that if the landlord were required to pay half the rate, he would raise the rent upon the tenant?—I think he would.

1564. So that, supposing that alteration were made in the law, the tenant would pay just the same as he does now, only the difference would be that he would pay half the rate in the shape of additional rent to his landlord?—I should say that in all probability he would pay a trifle more.

1565. If the landlord had to pay half the rate, would he not on the next adjustment of his rent, take care to put on a sufficient amount to cover that half of the rate?—To quite cover it.

1566. In fact, he would go ahead of the fluctuation of the rate, and he would probably put on a little more than the tenant now pays in the shape of his half of the rate?—Yes; I said that if half the rate was 1 *s.* 8 *d.*, in all probability, in order to make himself safe, he would charge 2 *s.*

1567. Do not you think that that shows that now the landlord really pays the rate?—No doubt he pays the rate, but he does not pay the increase.

1568. What I understand you to say is this, that between the times when there is a readjustment of rent, the fluctuation of the rate affects the tenant?—Yes.

1569. But whenever a farm is re-let or there is a readjustment of rent with the existing tenant then the alteration of rate affects the landlord?—If it is really perceptible; in the case of the abolition of compulsory church rates, which were very insignificant, I do not think that in consequence of their having been abolished in some parishes, the landlord would expect or ask for any more rent.

1570. But he would, would he not, when he had a new tenant?—If he could calculate to three halfpence, he would.

1571. If you were going to take a farm in a new parish, before you agreed with the landlord as to what rent you would be willing to pay, you would go and look at the rate-book, would you not?—Yes, of course I should.

1572. And you would make your offer or agreement according to what you found was the average

verage amount of rate over a term of years?—Yes, exactly so; and I might say that I did so in the year 1865, when I took my present farm, and since then the rates have increased by the Union Assessment Act to 20 per cent.

1573. You told us the other day, that you had known some instances of alteration in rent in consequence of the Union Chargeability Act?—Very few, about two or three.

1574. Is that by way of increase of rent or diminution of rent?—One was in diminution, and two were in increase. In the first instance it made a very considerable difference in the rent, because it was a close parish before; it had no poor at all, and now it comes into the general fund of the union

1575. And in that case there was a diminution of rent, was there not?—In that one case there was a diminution of rent.

1576. Can you tell us to what extent?—I believe somewhere to about the extent of the increased rate, I should think about 2 *s.* per acre.

1577. Then under the existing law the tenant has the strongest interest in keeping down an increase of rate?—He has.

1578. To go to the division of the different kinds of rate which are now charged, with a view to see how those who administer the rate are able to keep it down, we will take the figures from this Supplemental Return on local taxation which I moved for in 1868. I am quoting now from the last memorandum which heads the Supplementary Return. The total amount levied for poor rate given is 11,061,502 *l.*; then that includes the sum raised for other purposes under those headings: county, hundred, and borough, police rates, highway boards, burial boards, commissioners of baths and washhouses, and fire brigade; the total of those being 3,226,632 *l.*, leaving as the sum raised for poor rate proper, 7,834,870 *l.*; so that it is roughly as eight to three for poor rate proper, and therefore it is evident that that which is raised for poor rate proper is the main burden that is collected under the head of poor rate?—Yes, so far, but there are a great number of things collected under the poor rate proper that are not absolutely spent in the relief of destitution.

1579. We have taken out that which is levied for county, hundred, borough, and police purposes, for highway boards, burial boards, commissioners of baths and washhouses, and fire brigade, and you say that then there are other items which must also be deducted?—There are other items which must also be deducted. There are sanitary acts which come in the poor's rates which refer to the health of the district, and do not at all come under the head of relief to the poor in the country; such charges as the prosecution of vagrants, and things of that sort, and many establishment charges which are necessary no doubt for the administration of the poor law, but not for the actual relief.

1580. However, we may take it that the bulk of that sum is expended for poor relief?—Yes, certainly.

1581. Who can affect the expenditure most for poor relief, the occupier or the owner; at present, practically, it is the occupier who administers the poor law?—Yes.

1582. At present, you have told another Member of the Committee that it is in the power of the occupier, by discharging men at such times, to throw a great burden upon the rates?—It is in his power, but he very seldom makes use of it.

1583. I mean that the occupier, rather than the owner, is the great employer of labour?—Yes.

1584. Therefore, if you had a board composed half of owners and half of occupiers, the occupiers who are represented by the occupier part of the board would be the class who could affect the burdens much more than the owners?—They could increase the burdens.

1585. But there would be less inducement on the part of the occupier to keep down the charge, supposing half the rate was paid by the owner?—Yes.

1586. Just in the same way as under the Union Chargeability Act, there is less reluctance to increase the charge than there was before, so that if half the charge was thrown upon the owner, instead of upon the occupier, there would be less inducement to the occupier to keep down the charge?—Yes.

1587. How would you deal with the case of a large area of land, with only one owner, how would you have the owner represented in that case?—I would allow him to select his representative; supposing he was the proprietor of half a dozen parishes, I do not see any reason why he should not have half a dozen representatives; I would allow him to nominate anybody as his representative, he does not want to be an owner; I do not think that the representative of an owner must of necessity be an owner himself; I would allow him to be fixed upon anybody who resided in the district.

1588. You would allow him to have his nominees upon the boards?—Yes, I would.

1589. We have taken the case of the poor rate; now with regard to the county rate, do you consider that the county rate, including in that the police rate, would be more economically managed, supposing half the rate were thrown upon the owner?—No.

1590. Do you think that at the present time there is any extravagance in the administration of the county rate?—No, I think that the magistrates are so pressed by the ratepayers, generally speaking, that they are very careful.

1591. You think that the force of public opinion acts upon them?—I think that there is considerable force of public opinion upon them, and I believe that, if you had the ratepayers at the quarter sessions, you would find that there was no diminution of the county rate, but on the contrary a slight increase.

1592. Have you at all gone into the question of how far it is discretionary with the magistrates as to the charges which the county rate pays?—Their discretionary power I think is very trifling.

1593. Nearly the whole of the charges which they sanction is really forced upon them by Parliament, and by the action of the Imperial Government, is it not?—I believe that a very large proportion of it is.

1594. With regard to the police, it is so; is it not?—Yes.

1595. And with regard to lunatic asylums?—Yes, you have those irresponsible gentlemen, the Commissioners of Lunacy, I believe; and I do not know whether they are Government officials, or what they are.

1596. But that is under the Act of Parliament, is it not?—Yes, it is.

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1597. And with regard to militia warehouses, the same?—Yes.

1598. And with regard to county bridges?—I do not know; I should have thought that that was very discretionary on the part of the magistrates, so that you keep them in repair.

1599. But they are bound by law to keep them in repair?—Yes, as they are to keep their own roads, and to maintain their own poor.

1600. And with regard to gaols, the same?—The dietary, and that sort of thing, is set forth by the Secretary of State.

1601. That is the administration of the law, as under the present Act?—Yes.

1602. And the Secretary of State, acting through the inspectors of prisons, can force expenditure upon the magistrates?—He can force it, and I believe he does.

1603. So that nearly the whole of the matters which come under the supervision of the magistrates, and required to be paid for out of the county rate, the magistrates have the very smallest margin of discretion in the matter?—They have a small amount of discretion, but at the same time with regard to salaries and certain expenditure, I think they have a good bit of discretion. For instance, whether you will build a gaol like a gaol, or whether you will build it like a palace, I believe is at the discretion of the magistrates.

1604. They have a certain amount of discretion as to the style of the buildings, and they have a certain amount of discretion as to the amount of salaries?—Yes.

1605. But generally speaking, you consider that the magistrates are not extravagant in their administration of county affairs?—I only speak from my knowledge of my own county. I have heard what evidence was given before a Committee here on county financial boards, and I should say that, as a rule, the expenditure of county magistrates would contrast favourably with the expenditure under many elective town councils.

1606. With regard to the incidence of the rate upon the occupiers, is it not the case that there are certain inequalities with regard to the county rate, that is to say, sometimes a heavier charge falls upon one year than upon another?—Yes.

1607. And in that case the incoming tenant or the outgoing tenant, as the case may be, may be dealt with unequally as regards his predecessor or successor?—Yes.

1608. Would that inequality as regards the tenants be got rid of if the whole of the county rate were thrown upon the owners?—Yes.

1609. Which would be the preferable mode of dealing with the question; to throw the county rate upon the owners entirely, or to have representatives of the ratepayers at a county board?—I am looking forward to the time when we shall have a better system of county management altogether, or rather, a more extended one, and that we shall have several things put under one general county board, such as turnpikes and the like, and therefore I say that you ought to have an elective board.

1610. Your view is, that you would have a county board for many other purposes than those for which the magistrates assemble at quarter sessions on the day of county business?—Yes.

1611. But apart from that, and until you get such a system, do you think there would be any advantage in having representative ratepayers at county boards?—I do not think that you would get any important advantage to the ratepayers, but you must satisfy the people.

1612. The next important item of expense is for highways; the highway board is now composed partly of ratepayers and partly of magistrates, is it not?—Yes.

1613. Do you find that the constitution of those highway boards works satisfactorily?—We have not any of those boards in Norfolk; we tried them once, but we would not have them again; we had one in our county, but we dissolved it.

1614. Then you have no experience of them?—No practical experience.

1615. Do you remember why you got rid of them?—Because the expenses were greater and the roads no better.

1616. Would you like to see that extended?—No, but I should like to see it certainly differently arranged from what it is now, and, if possible, I should like to have the districts the same as poor-law divisions.

1617. At present, though there is a highway board, yet each parish is liable for the repairs of the roads within its own limits?—Yes.

1618. Should you like to see the repairs of roads thrown upon a district rate?—Certainly, directly, as soon as you get a highway board; I do not see any reason why you should have the poor rate upon the union and should not have the highway rate in the same way.

1619. You cannot tell us, as regards expenditure, whether the present system provides a check upon extravagance?—I believe that, generally speaking, whenever you take the management away from the individual parish and place it in a board, although you may have a somewhat better expenditure, you always have an increased expenditure.

1620. Things are done better but they cost more; is that what you mean?—They may be done better, but they certainly cost more.

1621. You have told us that the *ex officio* guardians attend very irregularly; that is to say, that an elected guardian charges himself with the duty of going into details upon matters, and furnishing information to the board about his own parish, but the *ex officio* guardians do not charge themselves with that duty and they attend very capriciously?—They do.

1622. Do you think that when they do attend, their attendance tends at all to increase the expenditure of the board?—I think, as a rule, they are more liberally inclined.

1623. Is it the case that since the Union Chargeability Act has passed there is a worse attendance at boards of guardians than there used to be?—Yes, worse; the business is left more entirely to about 10 or a dozen men.

1624. Before that Act was passed the guardian of every parish attended, did he not, to see that there was not a greater charge than he thought was right put upon his parish?—If he had a case which he thought required the attention of the board he was sure to be there, but now he says, "Well, it is of no consequence whether a widow gets 2 *s.* 6 *d.* or 3 *s.*, so I shall not go there."

1625. Under the former state of the law, such things might directly affect his pocket to a considerable extent, might they not?—Yes.

1626. But under the present law the charge is spread over a larger area, and he does not fear the

the burden, and therefore there is not the same inducement to him to go?—Yes, just so; but that is not to any very great extent.

1627. Do you think that that would be the case with regard to highways, supposing the highway rate were thrown over a district?—The highway rate is rather different; for instance, the highway rate expenditure must be certified and come through the surveyor of the district, and it would have to be submitted to a board, and I do not think that in all probability there would be quite so much indifference to the expenditure.

1628. You think that there would be less danger of extravagance in highway matters than in poor-law matters?—Yes, I think there would; I think that if you were to divide the highway rates between the owner and the occupier there would certainly be an increased expenditure for highways.

1629. Is not it the case that the owner, generally speaking, using a different kind of vehicle on the roads, is anxious for a better state of the roads than the occupier?—Yes, certainly.

1630. And that the effect of their presence in great numbers, on highway boards, would be to cause greater expense upon the roads?—I think that you would certainly get better roads; but in addition to the actual repair of the roads I think there are many improvements, such as making a hard road, or building a bridge, which the occupiers would now fight against; that they would not mind if the expense was shared by the owners.

1631. At present the county pays for the bridges, and the roads are paid for by each parish, and you propose that the roads should be paid for by a district; would you propose that the bridges should also be paid for by a district, or left for the jurisdiction of a county board?—I think that where there are some great thoroughfare roads through the country as well as some very large bridges, they ought to come under the larger authority of the county.

1632. You would propose to make a distinction between different roads and bridges?—Yes, both as regards roads and bridges.

1633. You would take the main arterial roads through a county, and throw them, would you not, upon the larger authority?—Yes, if you are going to abolish turnpikes.

1634. With regard to bridges, would you make the same distinction?—Yes, I think I should. I think there are some bridges which would be hard to throw upon a small district.

1635. Is not a bad road a dear road; sometimes are not occupiers not sufficiently alive to that fact?—A road may be a very bad road for those little trumpery basket carriages that are so much used, but it would not be a very bad road for a very heavy tumbril.

1636. What I understand is this, that very expensive bridges you would still throw upon the area of the county, and also the maintenance of the great arterial roads?—Yes.

1637. But as regards the minor bridges and the common highways, you would throw the expense of both of those upon the smaller area?—I would.

1638. With regard to what should be the extent of highway districts, do you think that a county would be too large an area to throw the administration of the highways upon?—Yes.

1639. Is this your reason, because, do you think that there would not be sufficient check upon extravagance?—I do not think that there would be sufficient local knowledge in a county to prevent extravagance.

1640. With regard to a rate for the purpose of repairing ordinary highways and minor bridges, you think, do you not, that that rate should be divided between owner and occupier?—I would simply say that I have not formed any very decided opinion one way or the other; I say that if you are going to divide and alter the rates, you should divide them all.

1641. Would you not make a distinction with regard to the county rate?—I have said before, with regard to the county rate as it now stands, that it seems to me that the administration of justice is more an Imperial than a local question, and therefore the main part of it ought to be paid by the Government.

1642. But with regard to that which is paid out of local rates, do you consider that it would be possible to separate the financial administration of a county from the magisterial administration?—It might be done, but it would not be worth while, I think, it is so small.

1643. Supposing that a county board were to administer the finance of a county, would it be possible to confine the administration of the police, for instance, to the magistrates?—Yes, I think it would.

1644. Is not it a general rule that he who pays is the master?—Yes, except that the magistrates are the masters now, and they do not pay.

1645. Supposing the magistrates thought that the number of the police ought to be increased, and the county board declined to find the money, the county board would virtually be the masters of the position, would they not?—They would be in exactly the same position as the town council are now with respect to the justices of the peace in boroughs.

1646. There is a police committee, is there not, in the town council of a borough?—I dare say there is.

1647. Are they not considered to be the masters of the police in the borough?—I should have thought not; I should have thought that the magistrates were, as they are, responsible for the peace of the borough, and it must be remembered that you would always have the great check of the Government Grant with regard to the police.

1648. When you speak of a check, you mean a controlling power, but we do not find it much of a check, do we?—Perhaps not; but I mean this, that if your police are not efficient, you would not get the grant from the Government, and consequently you would hold a very strong rod over a financial board that was inclined to be stingy.

1649. That is to say, there would always be sufficient inducement by reason of the Government Grant to a financial board to find sufficient money for the purposes of the police?—Yes; to keep the force in efficiency and up to the Government standard.

1650. With regard to gaols, would you have the questions of the salaries of the gaol officers given over to the county board?—Yes; I suppose so.

1651. In that case the gaol officers would look to the county board as their masters, and not to the magistrates; would not that weaken the authority of the magistrates over those gaol officers?

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officers?—I suppose you would have a committee specially appointed by the county financial board. You would not have 50 or 60 people to run about the gaols, but you would have a small committee who would represent the committee of the magistrates now.

1652. But would it not be the case in all these matters, the gaols and so on, that the control would pass from the hands of the magistrates to the county board; would not that be the effect of it?—I suppose it would.

1653. You would like to see these county boards manage all those matters which we have lately been speaking of, and also the county bridges and the main roads through a county?—Yes.

1654. And would you give them any directions with regard to assessment?—I should like them to be a sort of court of appeal for assessments. I should also like them to be a sort of court of appeal for sanitary purposes. I do not think that you can have sanitary matters conducted by a county, but there ought to be some large county authority to which individuals could appeal against the decisions or against the shortcomings of the union board.

1655. Mr. *Acland.*] You say that you do not think that those things could be managed by a county, but yet you think there should be a county authority; would you explain what you mean?—I mean that you could not by any possibility have a great county board look after every nuisance that occurred in a village; such things should be under the jurisdiction of the union, or the smaller division; but that you should have a large county board to which people might appeal if they thought that the local authority had not done its duty, or had exceeded its duty.

1656. Mr. *Walter.*] In answer to the Right honourable Chairman, you stated that you thought the strict enforcement of the workhouse test was the right way for administering of the poor law; do you apply that to the case of the able-bodied poor or to the poor in general?—Certainly in the case of able-bodied people, and I think that it might more generally be applied in some other cases.

1657. Do any able-bodied poor in your union receive out-door relief?—None.

1658. Are there many able-bodied poor in the workhouse?—There are perhaps in winter from eight to ten on an average that are classed as able-bodied men, but I should say that out of that number six or eight of them were what I call ¾-men, or partially disabled.

1659. What class of men receive out-door relief at present, is it not chiefly given for the support of elderly people, women, and children, and medical relief?—For old people and children, but what I particularly object to is the way in which we guardians administer the poor law in giving temporary relief and temporary medical assistance. A man has four children; he knows perfectly well that in nine months he is going to have another, and he comes up to the board of guardians for medical relief for his wife during her confinement; and in nine cases out of ten the guardians grant it, and they also allow in that case a nurse besides.

1660. Has the practice of benefit societies, and sick-poor relief societies, extended much in Norfolk?—Not to the extent that I could wish, and I am quite sure of this, that if it were not for the large amount of out-door relief, they would increase in a very much greater proportion.

1661. Mr. *Fielden.*] Does not the strict enforcement of the strict workhouse test tend, in your opinion, to increase vagrancy?—I do not think it would in agricultural districts; I daresay in towns it might.

1662. Mr. *Corrance.*] You have spoken of the magistrates as exercising sufficient supervision over the expenditure of the rates; I presume you only speak of the rates over which they themselves, without the interference of the Government officers, have the control?—Yes.

1663. Are you satisfied with the check that the magistrates are accustomed to exercise at quarter sessions, as to the requirements imposed upon them by the Government officers?—I find that some county magistrates resist the orders of the Government, and somehow or other they manage to escape, whilst another county adopts them without any objection.

1664. Do you think that as a body the magistrates are at present a wholesome check to further expenses of that sort?—I should say not; but my experience as a magistrate is so extremely limited that I would rather not answer the question.

1665. Do not you think that a financial board possessing a more popular element would present greater resistance to any such increase of expenditure?—No doubt.

1666. Mr. *St. Aubyn.*] Will you tell the Committee to what cause you attribute the failure of the highway boards in Norfolk?—We had but one highway board in Norfolk; I would say that we have a very good subsoil, and we have plenty of materials handy, and generally speaking our highway rates are exceedingly low. The working expenses of the highway board approached 50 per cent. of the original cost of the highway rates, and then you had a surveyor to look over 200 miles of roads, and unless the way wardens would undertake to do his work, it was impossible for him to give supervision to the labourers that he employed upon the roads.

1667. Then it comes to this, that the increase of expense was not attended with a commensurate improvement in the condition of the roads, and therefore you gave it up?—Precisely so; we had very good roads before, and I do not think that they were any better for the increased expense.

1668. *Chairman.*] You said in answer to a Right honourable Member, that the occupier pays the fluctuations, but that the owner pays the rate?—Yes.

1669. Out of the 2 *s.* 6 *d.*, which is the aggregate of the rates in Norfolk, how much would you consider to be the rate?—You must take every individual farm in that case.

1670. But on the aggregate, in Norfolk, how much of that 2 *s.* 6 *d.* represents an increase during the last 20 or 30 years?—Somewhere between 6 *d.* and 8 *d.*, I should say.

1671. Therefore you would put it quite roughly in this way, that the leases on the agreements were based upon a rate of 2 *s.*?—Yes.

1672. And that 6 *d.* comes out of the occupier's pocket?—Yes, the 6 *d.* comes out of the occupier's pocket.

1673. Taking it quite roughly, the 2 *s.* would come out of the owner's pocket, and the 6 *d.* out of the occupier's?—Yes, but that is a rough guess, of course.

1674. The

1674. The owner pays what you may call the old stationary rate, and the increase is borne by the occupier?—Yes; but in addition to the actual increase of rate, there has also been a considerable increase of assessment, which really does not represent any increased value, but merely a more just and full value.

1675. But before the year 1834, your rates were higher than they are now; were they not?—In some parishes they were fearful; and I have heard of some land being taken in those days, simply for the payment of the rates.

1676. When you were examined by an honourable Member, and it was put to you that there was 2*s*. 6*d*. in the pound upon the farmer's profits, that statement must be modified, as I understand, because it was not upon the farmer's profits; but you have acknowledged that 2*s*., or some smaller sum than 2*s*. 6*d*. comes out of the owner's pocket?—I did not understand the question to be put to me as to the actual amount of deduction from his profit that the farmer pays in the shape of rates, but that the rates were 11 or 12 per cent. upon the rent, and consequently they were about 20 or 25 per cent. upon the farmer's profits.

1677. But they do not diminish his profits by that amount, because they do not come out of his pocket at all, except so far as the fluctuations are concerned?—If he did not pay the rates he would, of course, pay more rent.

1678. So that the analogy between such an enormous tax upon the farmer's profits as compared with the manufacturer's profits, does not quite represent the case?—It does not represent the actual money payment, no doubt.

1679. It does not represent the discouragement to the farmer, in fact, to that extent, as a portion comes out of the owner's pocket, namely, the old rate?—No, it does not, of course. The whole discouragement would not be upon the occupier, certainly not.

1680. It comes, does it not, to that which has been put to you several times over, that the bulk of the rate, so far as there is no increase, comes from the owner, and therefore it is a hardship upon him, if it be a hardship at all, but the hardship upon the occupier is limited to the increase and to the fluctuations?—Yes. A man takes a a farm on a 21 years' lease, and he rents it at 10*s*. an acre; he drains it, he farms it thoroughly well, and he increases the value of it to 1*l*. an acre, and perhaps he does that in two or three years. The very moment that he has done that, down comes the assessment committee and puts him up to 1*l*. an acre, and therefore in that case it is a very considerable burden upon him, and discourages the application of capital to the soil.

1681. Then, as regards a change in the law, and the placing of a portion upon the owner, you were asked certain questions as to existing leases; would you consider it necessary to enact that in the case of existing leases, would you consider it necessary to enact that in the case of existing leases the occupier should continue to pay the rates until the expiration of the lease?—Yes, I think so.

1682. Did I rightly understand you to say that you would extend it to agreements not under lease, to what you may call yearly tenancies?—Yes, I should; just the same as is proposed to be done with the Irish Land Bill.

1683. Till then you would exempt the case of yearly tenancies, and say that the occupier should continue to pay the rates till there was a change, or could you put into shape your idea upon that point?—I mean that until there is a re-arrangement of rent, I would allow matters to be as they are. I would not force a re-arrangement of rent, because if you are going to make the owner pay one-half, you must, as a matter of justice to the owner, make him also re-arrange the rent.

1684. But he would be able to re-arrange the rent if it were a yearly tenancy, would he not?—Yes, he would; but at the same time I, as a tenant, should not like it.

1685. But with regard to the way in which that could be put into an Act of Parliament, in the first instance, in the case of leases you would enact that there should be no change, but that the occupier should continue to pay rates, and then you say that in the case of yearly tenancies you would also stipulate that the occupier should continue to pay them until there was a change in what?—Until there was a re-arrangement of rent.

1686. When would the law come into effect?—When there was a re-arrangement of rent.

1687. Therefore, you would have this state of things, that the great majority of the holdings would continue under the old arrangement, and only as new leases were made on new arrangements of rent, the new state of things would come in?—Yes, it would be gradual.

1688. Then, would it not be very difficult to carry out arrangements for the administration that you have suggested; would you not give the owner, who would be rated, a voice in the matter?—I quite see the force of that; so far as regards the election of proprietors there would be a grave objection.

1689. I am afraid that the landlords throughout the country might take advantage of the change in the law in order to raise the rents generally, and in any change of rent you think that the occupier would be likely to have a disadvantage at the present moment if matters were disturbed?—Yes.

1690. That must be, must it not, from the feeling that the rents might be raised; but on the whole, if there is any disturbance of the rent it is more likely to be upwards than downwards?—I say that there is no doubt that the owner would, in order to make himself safe, put on rather more than the half rate in the shape of rent.

1691. And that the margin of the profit of the tenant is great enough to bear that at present, without capital being drawn out from agriculture?—The real truth is that the greater portion of the land that is let in England, is not let at its extreme value, and therefore the tenant might afford to pay for it.

1692. So that, notwithstanding the theory that was expressed by an honourable Member, that the rates are lowering the amount of capital that is put into the land, and which is engaged upon farming, it has not yet had the effect of at all lessening the competition for farms?—It has not yet had the effect of at all lessening the competition for farms, but it has had the effect, no doubt, of decreasing the tenants' profits.

1693. I understand you to say that you are afraid to disturb the present state of things, because if there were a disturbance the tenants would be more or less at the mercy of the landlords, and the landlords would put the screw on?—I don't say they would put the screw on; I have never

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never yet discovered that they are at all inclined to take any advantage of a reduction, but when they have to make payments out of their own pockets they naturally wish to be recouped, and they take very good care that they are recouped in full.

1694. Do you admit that, although at present the owners are paying the old rate, their position is such that they can prevent the imposition of any new rate, and can shift it on to the tenants?—Yes; any new rate, or any increase of rate.

1695. Do you know of any application of capital to rateable property which is not subject to the hardship of being rated on the increased value; if it is successful in its application?—Of course, if you build a cottage, or if it was a very bad one before, and you make it a good one, you have to pay increased rates upon it; but I do not know of any other interest in which there are such slight profits and such heavy rates as the agricultural interests.

1696. That is to say, you put the poundage rates upon the agricultural profits, as I understand, whereas you have stated before that it merely comes out of the owner, who is not a trader at all?—I look at the owner and the occupier as being in partnership in a great measure, and not to have two separate distinct interests.

1697. But the owner is not a trader?—No, he is not a trader.

1698. He receives and has received his rents subject, from time immemorial, to certain charges?—Yes.

1699. Those charges were higher before 1834 than they are now?—Certainly the poor rates were.

1700. Therefore one of the partners in the joint partnership, at all events, is not worse off now than he was before?—If you mean the owner, he certainly is not worse off; but at the same time, I think that in the general prosperity of the country he would have increased his income more if he were not burdened by those rates.

1701. Mr. *Acland.*] You have admitted, as I understand, that the landowner is in no sense a trader; is it not a fact that a landowner, whether he lets his farm or whether he farms his own land, is a trader so far as this, that if he makes a heavy investment in the form of building or draining he ought to get a return for it; to that extent he is a trader, is he not?—He is an improver; I do not know whether he is a trader.

1702. Is it not the fact that yeomen who farm their own land feel very acutely this difficulty, that if they improve their own property, immediately their rates are increased?—Yes, exactly; and in the east of Norfolk we have a very considerable body of yeomanry who farm their own land, and by no possibility would they be benefitted by this division of rates. There are also the tithe owners and the clergy who would receive no benefit.

1703. Does your experience lead you to think that thus far an increased rate on the improved value of land prevents yeomen farming their own land, from making the best of it by investing capital in the improvement of their buildings, or in draining, or in any other way?—I think it has a certain deterring influence, but I would not say that it is to any very great extent.

1704. Mr. *Brise.*] I think I understood you to say that 6*d.* out of the 2*s.* 6*d.* in your own county falls upon the occupier, did you refer to the occupier merely or to the holder under lease?—No, it is applicable to annual tenancies; I will take my own case; I do not suppose that there will be any increase of rent till I quit the farm, and then somebody else will pay it.

1705. But that is an exceptional case, is it not?—No, I do not think it is an exceptional case. I think that in the great majority of large estates in England, if a man gets on to them, and pays a fair rent, there is no increase of rent for many years.

1706. It is as good as a lease, in fact?—Yes.

Mr. JOHN LAMBERT, called in; and Examined.

Mr. *J. Lambert.*

1707. *Chairman.*] YOU have had great experience of rating with connection with the Poor Law Board for some years, I think?—Yes, considerable experience.

1708. Have you given your attention to the law of rating in Scotland and Ireland?—Yes, I have.

1709. In both those countries the system of dividing the rates between owner and occupier is different, is it not, from what it is in England?—Yes, it is.

1710. Both countries recognise the rating of the owner to a certain extent?—Yes; a deduction from the rent of a portion of the rate paid by the occupier.

1711. They acknowledge the principle that a certain portion of the rates comes out of the owner's pocket either by rating him directly, or by rating him through the tenant, who may deduct it from the rent?—Quite so; but I think, it would be better that I should state to the Committee that in Ireland half the poor rate is deducted by the occupier from the owner; but with regard to the county cess, which is paid by the occupier, no portion whatever is deducted from the owner. In Scotland, under certain circumstances, one half of the poor rate is deducted from the owner; but with regard to the county cess, the whole of it is paid by the owner.

1712. We will take Ireland first; who make the poor rates in Ireland?—The guardians make the poor rates, upon the basis of the Government valuation, known as Sir Richard Griffiths' valuation.

1713. According to what kind of divisions?—Each union in Ireland is composed of electoral divisions, and each electorial division is composed of one or more town lands; the electoral divisions may be said to correspond somewhat with our parishes, before the passing of the Union Chargeability Act, because the costs of the relief of the poor of each particular electoral division are borne by that electoral division.

1714. They have no union rating in Ireland?—No; except for salaries and establishment charges, and the wandering poor.

1715. Do the electoral divisions correspond more or less in size to our parishes or are they much larger or smaller?—The electoral divisions, as regards size vary considerably, but they are, in many instances, larger than some of our parishes.

1716. In

1716. In making the rate do the guardians have regard to the amount chargeable on each electoral division?—Yes, and a separate rate is assessed on each electoral division in order to meet the expense of the poor of that division, and also the establishment charges of the union generally.

1717. There are certain establishment charges on the union, but the poor are charged to their own parishes?—Yes, as formerly was the case here according to the electoral division in which the people reside.

1718. Who makes out the rate?—The clerk to the guardians makes out the rate. He makes it out upon Griffiths' valuation. Upon the certificate of the clerk the guardians generally approve the rate and sign it; and then it becomes a legal rate and can be enforced by law.

1719. Who is it that pays the poor rate?—The occupier pays poor rate in every case except with regard to property of a less annual value, and not exceeding 4 *l.* a year. In that case the whole rate is charged upon the owner. There is a provision enabling the owner of property of a value less than 5 *l.* to enter into an agreement with the guardians to pay the rate for the occupier. And by a provision in a subsequent Act of Parliament that is extended to all property above 5 *l.*; but in the case of property which is of the exact value of 5 *l.*, the owner is prevented entirely from entering into any such arrangement.

1720. Is there any limit otherwise, either upward or downward, as regards the owner entering into an arrangement to pay the rate?—No; but it must be done with the consent of the guardians, and the occupier may at any time claim to be rated if he thinks proper to do so.

1721. What are the provisions as regards the deduction of the rate from the rent?—The provision is that the occupier shall be entitled to deduct one-half of the rate paid by him from the rent. In the original Poor Act there was an express provision precluding the occupier from entering into an agreement with the owner to pay the whole of the rate; but that provision has been repealed by a subsequent Act, and he may now enter into an agreement, if he chooses to do so, to pay the whole rate; but, as a rule, in Ireland half the rate is deducted from the owner.

1722. Have you got the clause which forbids agreements to forego deductions for rate from the rent?—It was the 77th section of the 1 & 2 Vict. c. 56, which provides, "That any covenant or agreement whereby any person liable to pay rent and entitled under the provisions of this Act to deduct therefrom any rate or portion of rate, shall have covenanted or agreed on, shall hereafter covenant or agree to forego, such deduction shall so far as such rate is concerned be of no effect."

1723. Then that was similar, was it not, to the enactment in this country as regards income tax?—Yes, and it was repealed by the 12th section of the 12 & 13 Vict. c. 104, except as to any covenant or agreement entered into prior to the date of the Act.

1724. Do you happen to know the circumstances which led to the repeal of that clause?—No, I do not.

1725. Is it an Act for other purposes in which this is an incidental clause?—The Act which repealed that clause contains a number of other provisions which refer to the relief of the poor. It is the second Irish Poor Law Amendment Act.

1726. Then an agreement not to deduct the rate from the rent can at present be lawfully made?—It can at present be lawfully made.

1727. But, as far as your information goes, little advantage is taken of that repeal, and the tenants continue to deduct half the rate from the landlord?—Yes; I believe it is the general practice.

1728. Is a receipt for the whole rate taken in discharge of an equivalent amount of rent?—It is taken as part payment, and the Act of Parliament provides that it shall be. The landlord is bound to accept the receipt for the poor rate as an equivalent for the payment of so much rent.

1729. But this reduction is not known as regards the county cess?—No, the occupier is not entitled to deduct any portion of the county cess from the owner; I should state also that, with regard to the county cess, the occupier is made chargeable down to the lowest amount of value.

1730. The poor rate is only charged down to 4 *l.*?—Yes, that is so, but the county cess is charged upon the lowest occupiers, and collected from them.

1731. The amount, therefore, must be exceedingly small in many places?—Yes, very small.

1732. Mere shillings almost?—Very small, indeed.

1733. Mr. *Hunt.*] By whom is the county cess collected?—It is collected by a collector appointed for the barony by the grand jury.

1734. *Chairman.*] Do you happen to know the total amount of the county cess?—The net amount of presentments for the year 1867, was 1,083,000 *l.*

1735. That is considerably higher, is it not, in proportion to the rateable value of Ireland than the county rate of England?—Yes.

1736. Can you tell us how much in the pound the county cess is on the rateable value of Ireland?—I think the rateable value of Ireland is about 14,000,000 *l.* at the present time, according to Griffiths' valuation.

1737. And this would be roughly, 1,000,000 *l.* upon 14,000,000 *l.*?—Yes, it is 1,083,000 *l.*; I am quoting the figures of 1867.

1738. That would be about 1 *s.* 6 *d.* in the pound, would it not?—Yes, about that.

1739. The county cess includes, does it not, a great many more things in Ireland, than the county rate in England does?—Yes, the county cess in Ireland, includes charges for new roads, for repair of roads, bridges, quay walls, cutting down hills, or filling up hollows and ditches, the expenses of quarter sessions houses, erection and repairs of gaols, bridewells, and all the other prison bridewell expenses, including salaries of police and police establishments, and salaries of county officers, and besides these, public charities to the extent of 92,000 *l.*; also the repayment of advances to Government, 105,000 *l.* and miscellaneous charges, 96,000 *l.*

1740. One respect in which it seems to differ mainly from the English county rate, is that it includes highway rates?—It includes highway rates, the whole expense of maintaining the public roads in Ireland is borne by the county.

1741. And it includes a portion of the police, which, in England, is partly raised by a police rate?—It includes the police establishments, and the establishments for the constabulary.

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1742. There is no highway rate, I believe in Ireland?—There is no highway rate, in Ireland; originally, the charge for the police was upon the county cess, and the year 1830 the charge amounted to 128,000 *l.*, but in 1867 the charge for the police borne by the county cess was only 15,000 *l.*

1743. Will you state the amount of poor rate levied in Ireland?—The amount of poor rate expenditure in 1868 was 829,000.

1744. Speaking very roughly, the county cess is a little more than the poor rate?—It is about 250,000 *l.* more.

1745. The county rate is levied only upon the occupier, whereas the poor rate is taken half from the owner, and half from the occupier?—Yes, that is so.

1746. Therefore the owner would pay about one-fourth of the whole of the rates?—Yes, somewhat less.

1747. Are there any other rates in Ireland with which you are acquainted?—In the towns there are improvement rates, and, in some instances, borough rates. The Sanitary Act of 1866 has been extended to Ireland, and there are some rates levied under it, but I am not prepared to say to what amount.

1748. Would you be prepared to say whether in those cases, they are levied from the landlord or from the tenant?—The incidence is the same as in England. If I remember rightly, it is charged upon the occupier, and not deducted by him except in those cases where the rate may be deducted under the English law from the owner.

1749. As regards the borough rate, the occupier has got the power of deduction?—No, they levy it from the occupier.

1750. Then the poor rate is the only large rate to which this deduction applies?—Yes, that is so.

1751. Will you state, with regard to boards of guardians who administer the poor rate, what representation, if any, has been given to the owners?—The owners are entitled to vote for the election of guardians according to a certain scale. The 81st section of the 1st and 2nd of Victoria, chapter 56, provides that an owner may vote, if he contributes to the rate in respect of his property; it is necessary that he should contribute to the rate in respect of his property. The words of the section are, "And in the case of a person receiving rent and contributing rate in respect thereof, the number of votes is to be computed and allowed according to the net amount of the rent received by him after deducting therefrom all rent which he may be liable to pay, and in respect of which he may be entitled to deduct from the rate contributed."

1752. Does that point to the fact that the sublessee may deduct a portion of the rent from the middle-man, and that the middle-man may deduct a portion from the landlord above him?—There is a provision in the Act which sets forth the proportions that intermediate persons have to pay.

1753. Then it is not only the person in receipt of the rack-rent who has a vote?—I am not quite certain as to that without referring to the Act.

1754. Will you read the clause regulating the plurality of votes to which you alluded?—"And be it enacted that at every election of guardians in a union, where a rate shall have been made under this Act, every ratepayer who under the last of such rates shall have paid or contributed, or be liable to pay or contribute rate (whether in one or in more than one sum or charge) in respect of property in such union, shall have a vote or votes, according to the scale hereinafter mentioned (the number of votes in the case of an occupier, to be computed and allowed in respect of the net annual value of the property occupied by him; and in the case of a person receiving rent, and contributing rate in respect thereof, to be computed and allowed according to the net amount of the rent received by him, after deducting therefrom all rent which he may be liable to pay, and in respect of which he may be entitled to deduct from the rate contributed; and in the case of the tithe-owners to be computed and allowed according to the net annual value of his tithe); where such property so occupied, or the net amount of such rent, or the net annual value of such tithe, as the case may be, shall not amount to 20 *l.*, one vote; shall amount to 20 *l.* and not to 50 *l.*, two votes; shall amount to 50 *l.* and not to 100 *l.*, three votes; shall amount to 100 *l.* and not to 150 *l.*, four votes; shall amount to 150 *l.* and not to 200 *l.*, five votes; shall amount to 200 *l.* and upwards, six votes." That is the scale for them all.

1755. That is very much the same as in England, is it not, under Sturges Bourne's Act?—Yes; but you will observe every person here votes according to the amount of net rent which is received by him, "And in every case where the occupier paying rate shall not be entitled to deduct any part thereof from any rent paid by him, he shall have double the number of votes above mentioned."

1756. That is in theory that he is both owner and occupier, and entitled to vote in respect of each capacity?—Yes; I think I had better read the rest of the clause: "And where the net annual value of the rateable property shall exceed the rent paid by the occupier, he shall, in addition to his votes as occupier, have the same number of votes as if such excess of net annual value were rent received and retained by him without deductions; and for the purpose of ascertaining the number of votes which a ratepayer shall be entitled, the aggregate amount of the valuation under this Act for the time being of the property in respect of which he claims to vote shall be taken to be the annual value."

1757. Then he has a vote so far as he has a beneficial interest in the land?—Yes.

1758. As regards the *ex officio* element, is the system in force in Ireland?—Yes, with this restriction, that the number of *ex officio* guardians in no case is to exceed the number of elected guardians.

1759. Are the *ex officio* guardians qualified in the same way as in this country?—Yes; section 23 of the 1st & 2nd Victoria says that "Justices of the peace residing in the union, and acting for the county in which they so reside, are qualified to be *ex officio* guardians for such union."

1760. But an *ex officio* guardian might have to be struck off in order to keep down the proportion of *ex officio* guardians to elected guardians?—They are regulated by the rating; those being selected to fill up the number who are rated highest in amount.

1761. Do you know whether the number of elected guardians is, generally speaking, larger or smaller in Ireland than in this country?—It is not larger certainly, but I have not made an accurate comparison.

1762. Could

1762. Could you tell the Committee the arrangements as regards the administration of the county cess?—With regard to the administration of the county cess, the grand jury nominate, or rather fix within certain limits the number of cess-payers who are to be associated with the justices in the presentment sessions for each barony, and one-half the number in the list made out by the grand jury are elected by ballot by the justices at the meeting of the presentment sessions, and then those so elected become associated with the justices in forming the presentment sessions for the barony; afterwards the justices and the cess-payers so associated elect a cess-payer from amongst themselves, who is to be associated with the justices of the presentment sessions for the whole county.

1763. Are there presentment sessions for each barony and one presentment sessions for the county?—Yes; that is so.

1764. And the cess-payers are associated with the justices?—Yes; they are. The grand jury, subject to the provisions of the Act of Parliament, fix, as before stated, the numbers of cess-payers who are to be associated with the justices in the presentment sessions for each barony. The number of cesspayers must not exceed 12 nor be less than five.

1765. Do they bear a small proportion to the justices?—They form a minority.

1766. The occupiers pay the whole of the county cess, and although the occupiers have a proportion of the representation, they are in a minority?—They are.

1767. But while the English occupiers pay to the county rate and have no representation, the Irish occupiers have a little representation, and their claim to representation has been acknowledged?—Yes; they have representation in the manner which I have described; the cess-payers who are selected by the grand jury, I believe, must be the cess-payers who pay the largest amount of county cess. I believe that is the regulation.

1768. To go back for a moment to the *ex officios* in the case of the poor rate, do they attend regularly in Ireland; do they take much interest in the administration of the funds?—They frequently attend; I am not able to say whether they take much interest or not.

1769. You are not able to say whether, having to pay half the rate themselves, they take greater interest in the administration than they do in England?—I am not able to speak of that from any practical knowledge.

1770. Mr. *Ayrton.*] Have you any knowledge which will enable you to explain to the Committee how it is that the charge for the poor in Ireland is comparatively so much smaller than the charge for the poor in England, considering that Ireland is so much poorer than England?—The poor law in Ireland is much more strict than it is in England.

1771. Is not the law the same?—No.

1772. The Statute law is the same, is it not?—No. In England the administration of relief is subject to the regulation of the Poor Law Board, and the Poor Law Board make regulations for the administration of relief under the power which is conferred upon them by the original Poor Law Amendment Act; but in Ireland the Statute itself lays down the regulations for the administration of relief, or rather the classes of persons who are to receive it, and the manner in which they are to receive it.

1773. Is the law much stricter than the rules laid down by the Poor Law Board in this country?—Yes, certainly.

1774. Are you aware that originally the Poor Law Board laid down rules in England nearly as strict as those in Ireland, and that the rules in England were then much less?—I know that the principles which they laid down originally were more strict than the regulations which are now in force.

1775. May we attribute the increase of rates to the course pursued by the Poor Law Board in altering their regulations?—I think there can be no doubt, that if the law were administered as strictly in England as in Ireland, the rates would necessarily be reduced, because there is no out-door relief to able-bodied paupers in Ireland.

1776. Are you of opinion, that after all by exercising greater strictness we may come back to a good system of administration?—There is no doubt of that.

1777. So long as you have a bad system of administration maintained in England, on the ground of what is called humanity, we cannot expect to get any serious reduction of rates?—The more rigid the administration of the law the less the rates will be.

1778. You do not attribute it to any superior attention, or care or intelligence on the part of the administrative body; that is the board of guardians, but to the superior law under which they administer?—In Ireland, a man has simply an order for the workhouse, as a general rule. The out-door relief is very small indeed compared to the in-door relief; it is quite the exception and not the rule. There are some exceptions in the case of sickness and relief to aged and infirm persons.

1779. Mr. *Hunt.*] Has the in-door relief in England increased since the Union Chargeability Act?—I am not prepared to answer the question accurately without referring to the statistics; but I know that the poor relief has been increasing latterly.

1780. Could you give us that information another day?—I could.

1781. With regard to Ireland, do you know whether the attendance at the presentment sessions is full?—It is not full generally.

1782. Do you know whether the magistrates or the elected members of the body attend best?—I know that the magistrates attend best.

1783. Do you know whether the position of elected representative is much sought after?—It is not so; in many instances there is great difficulty in getting them to attend.

1784. Would they come from the same social rank as the magistrates?—No, not as a rule, but from a lower social rank. The Grand Jury Act in Ireland contains a clause enabling the justices to act in the case of the non-attendance of the cesspayers, and there are instances given where only one cesspayer has been found to attend; indeed I believe sometimes none have attended.

1785. Can you give any reason for the attendance of the magistrates being better than that of the cesspayers?—It was stated to me by several persons in Ireland that the reason was that the cesspayers generally found themselves in a minority.

1786. They voted in classes, did they?—I do not

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not know how they voted, but that was the reason given to me.

1787. Was it found that the magistrates and the elected representatives took different views of matters?—Yes, the elected representatives considered that they were out-voted.

1788. And therefore it was not worth their while to attend?—That was their feeling as stated to me.

1789. Do you know upon what points they differed generally speaking; was it with regard to excessive expenditure, or anything of that sort?—I do not know the points. The expenditure at the discretion of the presentment sessions in Ireland is very considerable; for instance, with regard to highways and roads, there is a very large expenditure under that head.

1790. It is in the jurisdiction of the baronies?—Yes, there are two presentment sessions; there is the presentment sessions for the barony, and there is the presentment sessions for the county.

1791. But with regard to highways, is that within the jurisdiction of the presentment sessions of the barony or of the county?—It is wholly within the jurisdiction of the barony where the barony bears the whole cost of the works; but it is only partly within the jurisdiction of the presentment sessions of the barony when half the cost of the highways is cast upon the barony, and the other half is paid by the county.

1792. But who makes the rate that is assessed?—The grand jury; the presentment sessions only present the amount which is to be so expended.

1793. Who settles it; the presentment sessions of the barony or the presentment sessions of the county: there being a presentment sessions for the barony, and one for the county, the presentment sessions are obliged to recognise a certain proportion as falling upon the county, is that so?—Yes; where the obligation is cast upon them by law.

1794. Do you know what the proportion is?—It is half in the cases to which I have referred, but it is all subject to the revision afterwards of the grand jury; the presentments are made to the grand jury and revised by them afterwards.

1795. Do you know whether there is an economical administration as regards highways in Ireland or not?—I am not prepared to say; the roads are very good in many parts.

1796. Mr. *Pell.*] In the case of a presentment for the repairs of a highway, or making a new highway, in Ireland, is that first brought under the notice of the county?—No; it is first brought under the notice of the presentment sessions of the barony, and it then goes up to the county for consideration.

1797. It comes back again, does it not, to the highway boards, or as they call it in Ireland the road board in the barony?—It ultimately goes to the grand jury.

1798. From what body does the vote for the money come?—From the grand jury, and that is composed of persons selected by the sheriffs in a particular way.

1799. So that in Ireland the landowners have the entire disposal of the funds that are raised upon the ratepayers in respect of highways?—As a rule, the presentments which are made by the barony in the first instance are acted upon.

1800. Is there a power to raise the question before the grand jury?—Yes, there is.

1801. It is an open court, is it not?—Yes.

1802. Mr. *Fielden.*] Can you tell me whether vagrancy exists to a greater extent in Ireland than in England in proportion to the population?—Yes; the last returns show that vagrancy does exist to a greater comparative extent in Ireland than in England.

1803. Is it your opinion that the strict enforcement of the workhouse test tends to increase vagrancy or not?—The Irish are very averse to going into the workhouse.

1804. Is it your opinion that they are in consequence driven on to the roads?—It may have that effect in some instances.

1805. Mr. *Birley.*] Is there any part of the administration of county cess in Ireland that you think desirable to introduce into the English system with reference to the counties, the presentment to the barony for instance, or to the grand jury, or the associating of cess-payers with the magistrates?—I am not prepared to say that there would be any real advantage in associating the cess-payers with the magistrates, but I think it is reasonable that the persons who contribute towards the rates should have some kind of representation in the expenditure of them.

1806. I mean, is there nothing in the Irish system which has struck you that might be usefully adopted in England, with regard to the levying of rates or with regard to the administration?—I have not considered the two systems with the view of suggesting any alterations of that kind.

1807. Mr. *Corrance.*] May not the county cess in Ireland be classed with our county rate, to all intents and purposes?—Yes; with this exception, that it is levied differently; it is levied as a separate rate in Ireland throughout.

1808. But would you have any objection, from your experience, that the English county rate should be levied in the same way, and classified under the same number of heads?—I think it would be a disadvantage to levy it separately. The great point to be aimed at is the collection of all rates by one simple collection, if you can manage it.

1809. Is it your experience of the practice in Ireland that there is a disadvantage in their being collected separately?—Yes; you have a double class of collectors to pay, you have a double collection, and you have not the same system of audit; in fact, you have two systems going on at the same time, when it appears to me that it might be very much better arranged under one general system.

1810. You would recommend that the whole of the rates should be levied together, provided no other reason existed?—The whole levied together under the name of poor rate or general local rate, and the amount required for county purposes being paid by contributions in the same way as in England.

1811. Do you see no reason for dividing the poor rate from those other rates; is there any general relation between them?—I think that it is very desirable that the collection should be as simple as possible.

1812. You have told us that the poor rate has diminished on account of the rigidity of the test in Ireland; what provisions exist for the aged and sick?—The aged and sick may be relieved out of the house.

1813. Are there less aged and sick in Ireland than in England?—There are a great many aged and sick; there are probably about the same number

number in proportion, but I am not prepared to speak positively as to that; but with regard to the sick in Ireland, the hovels and cabins in which those people live are altogether so unfavourable for recovery, that it is very much better that they should be brought into the workhouse.

1814. That is owing, is it not, to the state of Ireland itself?—Yes, as regards the sick.

1815. I presume you are aware that relief cannot be given to able-bodied paupers in England out of the house?—It can be given out of the house, and is so in reality.

1816. Is the Irish law more rigid on that point than the English law?—Yes; in Ireland you cannot relieve an able-bodied man on account of the sickness of any member of his family; you must bring the whole family, including the man, into the workhouse.

1817. And you think that the application of the law to that extent actually diminishes the rates?—Yes.

1818. Would it do so in England as well?—Yes, I think it would.

1819. Do you approve of the administration of the Poor Law by the employers of labour as to its economical effect; and is not the poor rate so levied upon the employers of labour as to constitute it a sick and superannuation fund in aid of wages, to a certain extent?—It is so, to a certain extent.

1820. Does not that set it completely apart from any other rate; is there any other rate that at all partakes of the same conditions?—If I understand by your question that the poor rate is applied for one purpose and the county rate for another, I say that it is so.

1821. But is there any other possible rate which could be so applied in aid of wages as the poor rate?—I am not aware of any other which can be so applied to the same extent.

1822. Does not that in your mind draw a very broad distinction between such a rate and any other rate levied for other purposes?—It makes the distinction which you put.

1823. Therefore that would render it almost essential that employers of labour should be the administrators of such a rate?—I think it is proper that the persons who pay the rate should administer it; that is the view I take of it.

1824. Is there any other rate that you know of where misapplication could cause such serious results; for instance, supposing you misapplied the county rate, or the highway rate, or any other rate, you would not produce any great economical or social effect; but is there any other rate which, if it is misapplied, could cause such serious consequences as the poor rate?—I think not, because I am not aware of any rate that is so large in amount.

1825. Irrespective of that, do you think the conditions of the increase of pauperism, and other effects that might be produced renders it more serious than the misapplication of any other rate?—I think probably the misapplication of the poor rate would produce worse results than the misapplication of the county rate.

1826. Did we not see an instance of that misapplication under the old Poor Law before 1832?—No doubt; there was very much misadministration.

1827. And it produced the most serious results?—No question about it.

1828. Mr. *Pell.*] The rate is levied now in Ireland, on Griffiths' valuation, is it not?—Yes, all the rates and all the public taxes are levied upon that valuation; the income tax is levied upon it, as well as county cess and poor rate.

1829. Will you give us the date of Griffiths' valuation?—I think Griffiths' valuation began about 14 years ago, and it is only recently that it has been completed.

1830. Has not that assessment been varied or been altered at all since that?—Not except from time to time by the additions of new buildings.

1831. Do not the assessments for buildings in Ireland form a totally separate class?—They are included in the same valuation. For instance, take Belfast. There have been very large additions indeed to the valuation of Belfast since the original valuation was made.

1832. But if agricultural land in Ireland during the last 14 years has been improved by the successful application of capital upon the surface, the assessment has not been altered, as I understand?—It has not.

1833. Therefore there has been a material difference between the condition of a farmer in Ireland with respect to assessment, and his condition in England, namely, that in England the assessment of the land would follow the improved condition of the land from the farmer laying his capital out upon it; whereas in Ireland that would not be the case?—It would only be the case whenever the valuation was revised.

1834. But we know that in England it is revised every third year as a matter of practice by the assessment committee?—Yes, and it may be more frequent in case of necessity.

1835. But in Ireland, at all events, the improvements have run for 14 years without any change in the assessment, except with regard to additional buildings?—Yes.

1836. That cannot be applied in Ireland, and therefore agriculture in Ireland has been very much better treated, if I may say so, than in England?—It has in that way.

1837. In England compared with Ireland, there is a direct rating of the result of the cultivators' capital?—Yes, as often as you make a fresh valuation.

1838. But in Ireland at all events he is left for 14 years without any additional charge?—There is a provision in the Irish Valuation Act, that the valuation shall not be altered except after a given period.

1839. Is it not the fact that there is a great quantity of land in Ireland at the present moment letting at double Griffiths' valuation?—I am not prepared to say that it is letting at double, but I know it is letting at a very much higher value than Griffiths' valuation.

1840. *Chairman.*] Therefore, as the general valuation is so much below the real valuation, so much more in the pound must be raised in order to get the same sum of money?—Yes.

1841. So that you cannot say it is a gain, but a heavier rate in the pound is required to produce the same sum which would be produced if the valuation had been raised?—Yes, a heavier rate is required.

1842. There are two ways, are there not, of increasing your receipts, either by raising the valuation, or by a higher rate in the pound?—Yes.

1843. Mr. *Ayrton.*] With regard to vagrancy in Ireland, have you had your mind called lately to the particular causes which produce vagrancy

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in that country; is it not the practice of able-bodied men to go away for a certain period of the year for the purpose of obtaining work, his house being shut up, and his family going about as vagrants?—In several parts of Ireland the people go to Scotland at one period of the year, and they come to England also during the harvest season in very considerable numbers.

1844. Are you aware whether it is the practice for them to shut up the house for some period, and the family to go about begging?—I am not aware of that practice.

1845. Mr. *Fielden.*] Is there any return published of the number of vagrants in Ireland?—Yes,

1846. Has it been presented to the House?—You will, I think, find a statement of the number of vagrants in the last Report on Irish Local Taxation, by Dr. Hancock.

1847. *Chairman.*] Do not the Local Taxation Returns of Ireland give very full and complele details of the local taxes raised in the country?—Yes, very full details; and there are some remarks on vagrancy. The number of vagrants is given, and there is a comparison instituted between the number in Ireland and in England, and it shows that the per-centage is greater in Ireland, but I forget to what extent.

Tuesday, 29th March 1870.

MEMBERS PRESENT:

Mr. Ayrton.
Mr. Backhouse.
Mr. Birley.
Colonel Brise.
Mr. Corrance.
Mr. Fielden.
Mr. Goschen.
Mr. George Gregory.
Sir James Lawrence.
Mr. Pell.
Mr. Rathbone.
Mr. St. Aubyn.
Mr. Charles Seely, jun.
Mr. William Henry Smith.
Mr. Walter.
Sir Hedworth Williamson.

THE RIGHT HONOURABLE GEORGE JOACHIM GOSCHEN, IN THE CHAIR.

Mr. HENRY POWNALL, called in; and Examined.

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1848. *Chairman.*] YOU are Chairman of the Middlesex Quarter Sessions, are you not?—Yes.

1849. And you have for very many years had experience of the county rate, and the administration of the county affairs?—Yes, for nearly 40 years.

1850. Could you state to the Committee the present amount of the county rate in Middlesex?—Perhaps you would allow me to give it you in 1868, as I have not had time to get the documents together for 1869. The total amount of the expenditure of the county in the year 1868 was 172,127 *l.* 4 *s.*, and the gross receipts last year, 1869, were 180,520 *l.* 10 *s.* 6 *d.*

1851. Can you tell us how much in the year that you have before you, whether 1868 or 1869, was raised by the county rate alone?—The amount levied by the county rate last year was upwards of 170,000 *l.*

1852. Could you tell the Committee what rate in the pound that amounted to?—The county rate in the pound last year was 2¼ *d.*, and 1¼ *d.* for the lunatic asylum rate, together making 3½ *d.* for the county rate.

1853. Did you levy rates separately for the county rate and for the lunatic asylum?—Yes; the county rate last year, I think, was just the same in the pound as it was 30 years ago, but the amount of course was very much beyond that, inasmuch as the increased population and wants of the county have corresponded with the increase of the wealth of the county.

1854. Can you state the total assessment for the county rate?—It is 13,852,000 *l.*

1855. And no doubt 30 years ago it was a very different figure?—It was under 6,000,000 *l.*

1856. So that the assessment has more than doubled, and the amount raised has more than doubled?—Yes, certainly, considerably more.

1857. In comparing the county rate in the county of Middlesex with the county rate elsewhere, I presume we have to take into account that the police rate is not paid in the metropolis out of the county rate?—The police rate in the metropolis is taken out of the poor rate; it does not come upon the county rate.

1858. The police rate in the county of Middlesex is perfectly distinct from the county rate?—Yes, perfectly so.

1859. There is no county police, is there?—No.

1860. Does the Metropolitan police jurisdiction reach over the whole area of the county of Middlesex?—Yes.

1861. And beyond the area, which is called the area of the Metropolitan Board of Works?—Yes.

1862. The fact being that the two areas of the Metropolitan Board of Works and the Metropolitan police are separate, and overlap at various points?—Yes, quite so.

1863. Then the administration of the justices of Middlesex is quite separate from the administration of the police?—Quite.

1864. Has any inconvenience, to your knowledge, arisen from the county justices having no authority over the police?—Not that I am aware of.

1865. Your administration extends to the prisons, does it not?—Yes.

1866. And to the lunatic asylums too?—Yes.

1867. Will you state any other purposes?—The reformatory school, the county bridges, the militia storehouses, the coroners, and the inspectors of weights and measures.

1868. In fact, your area of administration is the same as in other counties, with the exception of the police, generally?—Yes, with the exception of the police.

1869. Can you state to the Committee the allowance made by the Treasury to you for the prosecution of prisoners?—We recover from the Treasury a very considerable amount; and we recover from the Treasury part of the expenses of criminal prosecutions, which last year amounted to 13,135 *l.* 6 *s.* 8 *d.* We recovered also for the conveyance of prisoners sentenced to penal servitude to the depôts for convicts, 42 *l.* 18 *s.* 10 *d.* The total amount that we recovered from the Government was 35,959 *l.* 5 *s.* 6 *d.*; the maintenance of prisoners in the House of Correction at Westminster, which amounted to nearly 23,000 *l.* of that amount.

1870. Are you aware whether there is a great loss to the county, or whether you recover nearly the whole?—There is a great loss to the county; but I scarcely know whether the question is simply with regard to prosecution, or as to the maintenance of prisoners till they are tried and convicted.

1871. I mean simply the expenses of the prosecution of prisoners; properly speaking, you are entitled to recover the whole; but the Com-

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mittee have understood that certain portions are disallowed by the Treasury, and in some cases there is a considerable loss to the county; how is that in Middlesex?—It is so; I am not able to state the amount, but it is not very large.

1872. As regards the general administration of the county affairs, are there many of the expenses which you incur over which you have full discretion?—No; out of the expenditure which I have stated for 1868, the total over which we have scarcely, or I may say no control, amounts to 106,420 *l.* 4 *s.* 3 *d.*, which is the expenditure under statutes, and over which the quarter sessions have no control; it is merely ministerial, paying for money borrowed under Acts of Parliament, and things of that kind. I could give the whole of the items, but it is not necessary after stating the total. The amount over which the magistrates are supposed to have control is 65,706 *l.* 19 *s.* 9 *d.*; that over which we have control is the House of Correction for prisoners, where there are very nearly 150 principal officers and warders; to the warders we give, for instance, not less than 20 *s.* a week wages, or 21 *s.*, as we are obliged to give those wages which will secure efficient warders for so large an establishment, there being upwards of 2,000 prisoners in the gaol. So it is at Westminster, and so it is at the Industrial School, the item for which amounts to 15,182 *l.* If you will allow me I will hand in the whole detailed statement, showing the total amount as well as the amount over which we are supposed to have control and that which we have not. (*The Witness delivered in the same,* vide *Appendix.*)

1873. I presume that in administering the county rate you have a certain discretion as to the carrying out of those duties which are imposed upon you by the statute?—Yes.

1874. And whether you manage them economically or not depends a good deal upon the business-like minds of the gentlemen to whom they are intrusted?—Our system is, that for the prisons they are not at liberty to expend a larger sum than 50 *l.* on any object without the sanction of the court. With regard to any particular grant, such as a grant for the enlargement of the lunatic asylums, or the enlargement of the prisons, or other establishments, notice must be given at one county day that so much will be moved for on the next county day. It is then inserted on the agenda paper for the county day, and taken into consideration; and it is often reduced, and sometimes refused. The system when any sum is ordered to be expended upon the establishment is, that it be borrowed upon mortgage of the county rates under the direction of the court. It is then referred to the committee of accounts, who advertise for tenders, and report to the court, who always take the lowest tender.

1875. If the court of quarter sessions were at all to relax its vigilance, do you think it possible that the amount in the pound might rise?—I think there is no doubt of it. I should say that the committees are exceedingly cautious, both of the prisons and the asylums, which I know from long experience as to their expenditure; but still the control of the county, and, if I may so phrase it, the fear of the discussion of the court, has a very salutary influence, I think, upon the committees.

1876. You have never found any lack of attendance upon the part of the justices in the county of Middlesex?—Not at the quarter sessions. Perhaps, occasionally in the summer months, we may fall short at the prisons; but then if there are, which has occurred but very rarely only, but one or two magistrates, they would never think of incurring any expense without giving notice in the committee that it would be taken into consideration at the next committee, and a special summons would be sent round to all the members.

1877. Has there been any dissatisfaction amongst the ratepayers of the county of Middlesex, as far as you are aware, at having no voice in the administration of the county rate?—I have heard that it is so occasionally, but it appears to me to be a very unreasonable thing, because the ratepayers take so little interest, generally speaking, in the expenditure of the county, that even when it is proposed to lay out a sum of money, as was recently the case, to build a new prison, which would involve an expenditure of 80,000 *l.* or 100,000 *l.*, perhaps there were not half-a-dozen strangers in the court; whereas, if a pickpocket is to be tried, the court will be crowded with strangers.

1878. As far as you are aware, have the ratepayers not taken considerable interest in other rates in the metropolis?—I believe they have; and there was a meeting in my own subdivision of Holborn, in which the ratepayers passed a resolution against the magistrates building a new prison. But, from the manner in which explanations which were subsequently given to a meeting of the guardians were received by them, I believe such a resolution would not have been carried if they had understood that the repayment of the cost would have been spread over 30 years; and that, allowing for the present expenditure for the farming out of the prisoners, the increased charge to their parishes would not, at most, have much exceeded 30 *l.* a year, while at the end of that period the county would possess a new prison, and be able to accommodate all their prisoners. If I may be allowed to go on, I would observe that it is the same with regard to the lunatic asylums. The parishes are in favour of our building a new lunatic asylum, but until the parochial asylums are opened the magistrates think that it would be unwise to embark in that; but the building of an asylum that would cost perhaps 120,000 *l.*, or 140,000 *l.*, it would not, in fact, cost the county one single farthing, because the amount of money that would be borrowed for the erection would be more than repaid at the end of 30 years by the difference in charge for the asylum, and what the parishes are bound to pay to private institutions which take in their paupers.

1879. The outlay at first would be considerable, but it would ultimately bring in a return?—Yes, and put the county in possession of a lunatic asylum, free building debt, as is the case with Hanwell.

1880. Do you see in that statement which you have made any argument as to the persons who ought to pay the county rate, the owners or the occupiers?—I think it should be divided. I think that those public institutions are a permanent benefit to the county, and whatever is a permanent benefit to the county is a permanent benefit to the property of that county, and therefore the owners of the property ought to contribute something towards it as well as the occupiers. I would instance the metropolis, of which perhaps two-thirds is built upon freehold ground rents

ents; what does the ground landlord pay towards ll the improvements that are going on, and owards all the splendid establishments that have een erected during this last 30 years, such as anwell and Colney Hatch, and the enlarge- ent of the prisons? Nothing at all.

1881. Supposing that a law were passed rowing a portion of the county rate upon the wner as well as the occupier, what is your pinion as to its being made to affect ground nts at present?—The present contracts could ot of course be disturbed, but it might come to operation with all new arrangements.

1882. Therefore it would only affect those ases where new agreements were gradually ade?—I think not.

1883. And those cases where the ground rents re expiring, and new ground rents are being rranged for?—Yes.

1884. Have you given your attention at all o the representation of occupiers or of tenants, who now pay all the rates in the administration of ounty affairs?—Yes; I have a good deal. I have very strong opinion upon it, and I published pamphlet some eight or nine years ago, which as gone through three editions, in which I show hat I think that the poor rate, which is the grand ource of complaint, ought not to rest solely on ouse and landed property, but nothing has re- ulted from it.

1885. The point is as regards the occupier, whether the occupier ought to be represented in dministering the county finance?—He is to a ertain extent represented, for all the magistrates re very large occupiers and ratepayers. The nly difference is that the county magistrates old their commission from the Crown, and the orough magistrates throughout the country hold heir commission direct from the ratepayers; but f a return were called for to show what has been he result of that system, I am inclined to think hat the public would be astonished at the in- rease of the rates in every county town where the ocal magistrates that are elected by the corporate ody have had the control of the local rating of he boroughs, compared to the increase of the ounty rates where they have been administered y the county magistrates.

1886. Do you think that the system of what re called nominated magistrates in the county is etter than that of elected magistrates?—Most decidedly; they have all a qualification, and are ll ratepayers, and have, perhaps, as large a stake, r a larger stake for their numbers, than any ther portion of the inhabitants.

1887. Mr. *Corrance.*] Do you consider that he county rate and the poor rate ought to be collected together?—In fact they are so.

1888. But is it your opinion that they ought to be?—I think it saves expense, and I see no objection to the present mode, namely, the county treasurer receiving the amount from each parish through the accredited organ of that parish.

1889. I think I have gathered from what you have said, that you are of opinion that the incidence of the two rates ought to be, to a certain extent, distinct; that the poor rate, involving the employment of labour, ought to fall upon the one class of persons, and the other upon property more especially?—That was not my meaning, although, perhaps, I expressed myself improperly.

1890. May I draw that inference from it?—I do not see any difference between the ratepayer paying a county rate, or paying it in the shape of a poor rate from which the county rate is deducted. My objection is to all the rates being paid by real property only.

1891. I thought I might draw this inference from your observation that you do recognise a certain distinction between a rate levied for the purpose of the poor, and a rate levied for the purposes of the property of the county?—Just in this sense, that I think the county lunatic asylum is a permanent benefit to the county, and, therefore, the owners of property ought to pay a portion of it; the support of the poor of a parish or of a county does not improve the property of the owners, and, therefore, ought not, I think, to be levied upon tenants only.

1892. On the other hand, the county rate does not create poverty?—No.

1893. Which the poor rate does?—To a certain extent it does, because, in Middlesex, we have upwards of 600 different officers attending the asylums and the prisons, and they may, of course, leave widows, and they may leave orphans who may become chargeable to the poor.

1894. But you have a superannuation fund, have you not?—Yes, but not equal to their support.

1895. Do not you think it desirable that it should be made equal to their support?—It is a very difficult question. If the retiring allowance is large, the ratepayers complain very much, and they make comparisons of course between the situation of a warder of a prison, and of a clerk in a merchant's counting-house.

1896. Still is it not your opinion that a public officer ought to retire upon an adequate pension, at any rate sufficient to keep him from coming upon the poor rate?—I think that if his services are paid according to the general scale of remuneration during his life, he has no right to expect the public to support his family if he does not lay by a portion of his earnings for their support himself.

1897. But could you not provide that he did so by making it part of the arrangement that there should be a certain sum deducted for superannuation?—We should have no power to enforce such a regulation under the present Acts.

1898. Mr. *St. Aubyn.*] In answer to a question from the Right Honourable Chairman, you said that the ratepayers were already all well represented at the quarter sessions because the magistrates were amongst the largest occupiers; in what sense do you say that the magistrates are amongst the large occupiers?—In house property and in land, and other incidents of wealth.

1899. Do you mean occupiers in the sense that they pay rates directly?—Unfortunately the rates do not keep pace with a man's wealth; there is many an individual that has 10,000*l.* a year whose rates perhaps are not more than upon a house of 500*l.* a year; and there is the injustice, I think, of the poor rate.

1900. Do you wish your answer to apply to Middlesex particularly, or generally throughout the country?—I would apply it particularly to Middlesex, and generally, too.

1901. Do you think that there are more magistrates in Middlesex, who are direct ratepayers, than there are in other counties?—No, I believe there are not so many; the list of magistrates in Middlesex appears exceedingly large; there are about 360, but I believe in some other counties with not half the population there are nearly as many

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many magistrates; and I could soon explain why there are so many magistrates, and the different occupations which they had, when I say, for instance, that our six public establishments occupy the attention of 90 gentlemen every week, and that we have upwards of 6,000, and now with the beer houses we shall have nearer 9,000 licenses with all the transfers connected with them, and all the business that is incidental, as well as our sessions every fortnight; we try at our sessions in Middlesex more prisoners, I believe, than six of the largest boroughs in the country.

1902. Mr. *Gregory.*] Did I rightly understand you to say that greater economy was exercised by county magistrates than by borough magistrates? —As far as I have been able to ascertain from the Parliamentary Returns which I have looked at, I think there is no question about it. Speaking for Middlesex, our county rate per pound has not increased for 30 years, but I think it will be found that the borough rates are more than three times what they were formerly.

1903. Have not the county magistrates a more direct interest in the property which is subject to taxation than the borough magistrates have?—I am not able to speak as to that, because I am not acquainted with many borough localities. I am not aware what the relative proportion of wealth is.

1904. Are you not aware from what class the borough magistrates are generally selected?—I believe, as far as I have understood, they are selected from the most influential inhabitants of those boroughs.

1905. They are tradesmen and professional men, are they not?—Yes, I understand so.

1906. And not owners of property generally speaking?—I am not able to say; I have not analysed them.

1907. Colonel *Brise.*] In answer to a question from the Right Honourable Chairman, I understood you to say, that you thought that half the county rate should be collected from the owner, and half from the occupier; what is your opinion as to collecting all the county rate from the owner?—The ratepayers should contribute towards the maintenance of the prisoners and the prisons, and they are as much interested in the protection of their property, be it great or small, as the owner of the house in which they live.

1908. I think you said that it was your opinion that the ground landlord ought to be rated?—It seems to me to be very unfair that an individual who when his land was merely agricultural land paid rates, but when it becomes building land and fetches 50 *l.* an acre instead of 2 *l.*, pays nothing.

1909. Mr. *Pell.*] Is it the case that the landlord pays nothing in London?—I have tried to ascertain how the landlord could be said to pay anything having let his land upon building lease.

1910. Is not the whole value of the hereditament assessed in London, and does not that include the value which belongs to the landlord, as well as the value that belongs to the building upon the land?—In one sense it does, but I apprehend in another it does not; it comes into the value of the house, the rent which the tenant pays; but the portion of the rent that goes to the ground landlord is certainly so much clear gain to him over and above what he obtained for his land before it was let upon building lease.

1911. But what I want to get at is this, is there any loss to the parish or to the union; that is to say, is the assessment less upon the hereditament now from the way in which it is made than it would be under any alteration that you would propose in order to bring the ground landlord directly into the assessment?—I am not aware that it would affect the rate, although it would affect the parties who paid the rate.

1912. How comes it that the ground landlord is not now assessed on the rate book?—Because it has been a matter of agreement with the party to whom he let his land for building purposes.

1913. And do you think it would be a fair and just thing to propose that an agreement under seal, in which in all probability the two contracting parties have considered this question, should be set aside by an Act of Parliament?—I think I expressly guarded myself against any such opinion.

1914. You do not think the community at large suffers at all by the method of assessment: you do not think that there is any part of the hereditaments left unassessed at present, or excluded from contributing to the rates?—I think that if the poor rate had originated during our period, it would have had a very different operation from what it has under the Act of Queen Elizabeth, who had nothing that she could rate for the poor but house and landed property. Even minerals were excepted, except slate and coal, because they were just discovered, and therefore came under the category.

1915. In your opinion, does the parish or the union suffer at all from the ground landlord not appearing upon the assessment?—I think that the union or the parish does not suffer, because it does not signify who contributes the amount so that they receive it; but it does affect very much the tenant, whether he pays the whole or the ground landlord a part.

1916. Mr. *Ayrton.*] Have you considered that there is a distinction between the two branches of expenditure incurred by the justices, the one in the performance of their duties as assigned to keep the peace, and the other the expenditure that they make as mere administrators for the benefit of the inhabitants?—With the exception of maintaining the prisoners in the gaols, I am not aware that they expend anything for the protection of the public.

1917. If you go through the list of the heads of expenditure, in the first place there is the expenditure for rural police?—That does not affect Middlesex.

1918. But it does affect the magistrates in general, though not in Middlesex?—Yes.

1919. Have you no lock-up houses at the stations under your charge?—No; which I think is to be regretted, inasmuch as, take a case from Staines, for instance, that is remanded for a week, the man is obliged to be sent up to London, and then brought back again; if they had a lock-up house in the different districts, I think the expense would be less.

1920. Would you consider that those two items of expenditure by the justices were paid in the performance of their duty or as the mere administrators of expenditure?—It could only be administrative; we have no expenditure as to lock-up houses.

1921. But would you so consider it, or have you considered the thing at all?—Yes, I have considered

considered it, and I think it would be a very judicious arrangement if in certain districts the magistrates had the power of erecting such places.

1922. Do you consider that an expenditure incidental to the performance of their magisterial duty or not?—Yes, certainly, the keeping of a prison is.

1923. Next, conveyance of prisoners; is that an expenditure incidental to the performance of magisterial duty?—Certainly.

1924. Then there is commitment of vagrants; is that an expenditure of the same kind or not?—Yes, certainly.

1925. Then there is maintenance of prisoners in prison; do you consider that that ought to be an administrative expenditure, or as an expenditure of the justices for the maintenance of peace and order?—It is both with us. It is administrative inasmuch as there is a special committee appointed to superintend it, and to guard against extravagance; and it is general, inasmuch as it is allowed by the quarter sessions.

1926. Do the justices undertake the maintenance of discipline in prison?—Yes, certainly. If they found any (if I may use a common phrase) screw loose they would very soon interpose and see that it was put right.

1927. Do you think it desirable that there should be two authorities in a gaol; one administering the gaol merely as a matter of finance, and another administering it as a matter of discipline?—No, certainly not. I think the two should go together.

1928. The next is the conveyance of transports; does that belong to the justices in their peace capacity?—If the Home Office preferred sending a van to the prison to take the convicts, they would be delivered over to them; but if we have an order from the Home Office to convey to Chatham a certain number of prisoners, of course we obey it, and then the expense is under our control.

1929. That is connected with prison discipline and management, is it?—Yes.

1930. The next is the shire hall; that is your place of meeting, I suppose?—Yes, and a very inadequate one it is, too; but we dare not provide a better.

1931. It is quite good enough for the justices in Middlesex, is it not?—Perfectly good enough for the justices, but certainly not good enough for the public who attend the sessions.

1932. Now we come to the lunatic asylums; do you consider that in any way connected with the preservation of the peace?—Unquestionably it is; as you would find in every parish, if lunatics were going about at large, you would very soon have the peace broken.

1933. That would apply to commitments on the order of the justices to confine lunatics; but do you consider that the administration of a lunatic asylum has anything to do with the preservation of the peace, or the performance of justices' duties?—I think the greatest glory that any set of magistrates ever had belongs to the magistrates of the county of Middlesex, in introducing the non-restraint system, which has been a model copied almost throughout Europe from it; and the greatest benefits have resulted, I think, from the lunatics being under the management of the magistrates, in preference to their being under the management of the overseers and boards of guardians in union workhouses.

1934. I am not speaking of the moral glory of the magistrates; I want to ask you this: whether you think the superintendence of the lunatic asylums has not more analogy to the superintendence of a workhouse, or other asylum for the poor, than it has to the functions of a justice of the peace in the performance of his duties?—Lunatics require peculiar treatment. They need much sympathy, patience, and forbearance, and there are a variety of reasons why men of education and gentlemanly habits should superintend them, in preference to rough people who will not control their own tempers, and therefore cannot influence others.

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1935. Do you exercise any magisterial functions in connection with the lunatic asylum; that is to say, is it like the prison, where you generally superintend the imposition of punishment; do you in any way exercise that magisterial function in preserving order in the lunatic asylum?—Unquestionably they do, not only with the medical officers, but the principal matrons and those who are the head officers of the prison. But my friend Mr. Wyatt, who has been chairman of Colney Hatch Asylum, would give you more details of that, as I have been obliged to forego going to the asylum for some few years.

1936. With regard to the charge for the maintenance of pauper lunatics, you are merely the channel of assessment and collection, are you not; you do not have any particular functions in that respect?—If the magistrates did not exercise the greatest vigilance in the expenditure of the asylums, the rates per head for each lunatic would be equal to what is charged in private asylums; but from their vigilance and care, the maintenance money per week is at least 4 *s.*, and often 4 *s.* 6 *d.* a head less than the private asylum charge.

1937. What magisterial functions are exercised by you in relation to that particular head of charge; how do you act magisterially?—We can have no magisterial action over the lunatics; but if we found an attendant striking a lunatic, we might send him to the petty sessions in the neighbourhood for the assault, which has sometimes been done.

1938. The next item is militia storehouses; how is that connected with your magisterial functions?—It is very difficult to say why the county should be put to the expense and the ratepayers have to pay for militia storehouses, when they have not to pay for the barracks of the country. Why should not they be just under the same category as barracks; but they are by the Act put under their jurisdiction.

1939. That is not a magisterial duty, particularly, is it?—It is confided to the magistrates entirely, and therefore it becomes their duty.

1940. There is nothing judicial in it?—It becomes the duty of the magistrates by the Act of Parliament to see that they are erected, and that they are kept in order.

1941. But there is no judicial function in it?—It is everything judicial. As individuals we should have nothing to do with them whatever, but as magistrates, and under an Act of Parliament, we have everything to do with them.

1942. The county bridges you merely administer as an administrative body, without exercising any judicial functions?—We visit the bridges, and if repairs are wanted the local magistrates have to report and obtain the sanction of the court before they can be done; the county bridges are placed under the charge of the justices.

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1943. There are the charges for the clerk of the peace and the treasurer, those, I presume, are merely charges for officers?—Yes.

1944. Then comes the coroner; do you exercise any functions over the coroner?—Parliament has taken that out of our hands, except that we are obliged to pay him more than we think he ought to have. It seems to me to be a very extraordinary thing that the coroner should receive 1,700*l.* or 1,800*l.* a year (which one of our coroner's has), and pay a deputy about 200*l.* to do a great portion of the work.

1945. Have you any power to examine the bills judicially, and allow or disallow any items?—We have, and we do occasionally; for instance, I could give you the different statements of charges which are made by different coroners.

1946. With regard to the inspectors of weights and measures, are they your officers for the purpose of administering justice in fining people for the violation of the law?—Yes, and from the extreme care of the magistrates in cutting down the salaries of the inspectors below what, I think, ought to have been done, the county have gained about 70*l.*, and they have not been to one farthing of expense.

1947. Then comes the register of electors; have you anything to do with that?—The clerk of the peace has to draw up the register, and we have to pay him.

1948. But the justices have nothing to do with it, have they?—They have to order the payment, and they have to ascertain, in the different divisions of the county, whether the charge for any borough is excessive.

1949. The registration of electors has nothing to do with the administration of justice; they merely examine the assessment and judicially decide upon the claim?—They have to pay for the register, and they have to name the polling booths and other minor arrangements which are confided to them by the Act of Parliament.

1950. There would seem to be no other charges, except paying rates?—I think not; I think it would be well to consider whether, in the poor rate, another column should not be added of the owners of property, which might be substituted for the register every third year, instead of the enormous expense of printing the register annually.

1951. Middlesex is rather an exception, is it not, to all other counties in the small proportion which the number of justices bear to the owners of property possessing the magisterial qualification?—There is no magistrate of Middlesex but what has his qualification.

1952. I suppose the number of persons in Middlesex who possess the qualification for the magistracy, is much greater in proportion than it is in other counties, is it not?—The wealth of the metropolitan county, of course, will give a much larger number than anywhere else.

1953. Are the justices in Middlesex the owners of property generally, do you think, to a considerable extent above their qualification?—I do not believe that there is one of them, as far as my knowledge extends, who has not considerably above his qualification; we have several millionares on the Bench, as well as others with large property.

1954. Mr. *Pell.*] How does it come that the Middlesex magistrates are unable to reduce this 1,700*l.*, of which they complain so bitterly, and which is paid to the coroner?—As to coroners, under the present Act of Parliament, the average of their salary depends upon the number of inquests they hold, which average is taken every five years. The magistrates have, on two different occasions, and, I think, three, represented to the Home Office that the charge was excessive, and that the number of inquests was unnecessarily large; but the Home Office have always increased the amount of salary which we have recommended for the coroner to have for the next five years.

1955. So that the power rests with the Home Office?—Just so.

Mr. William Henry Wyatt, called in; and Examined.

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1956. *Chairman.*] You have been for some time, I believe, a magistrate of the county of Middlesex?—Yes, for some years.

1957 And you have devoted yourself considerably to the public business connected with the magistracy, have you not?—I have taken a fair share, I believe.

1958. Are you chairman of the committee that deals with the lunatic asylums?—Of the Colney Hatch Asylum, I have been chairman for nine years.

1959. What are the asylums in the county of Middlesex?—There are two, Hanwell and Colney Hatch, each of them managed by a committee of visitors, consisting of 18 magistrates.

1960. In Middlesex, as we have heard, you levy a separate rate for the lunatic asylums?—For the purposes of repairing and building and paying off the debt. The parishes pay all other charges connected with the asylum, according to the number of patients that they have in it.

1961. The rate is 1¼ *d.* in the pound, is it not?—It varies from 1 *d.* to 1¼ *d.*, sometimes it may get up as high as 1⅛ *d.*; but I should think that 1¼ *d.* might be taken as the fair average for the last 10 years.

1962. How much does 1¼ *d.* represent?—A farthing will produce, on the present assessment, which has lately been raised, about 14,500 *l.*

1963. Do you not spend about 72,000*l.* a year on the lunatic asylum, including the repayment of debt?—No; we spend about 53,000*l.* a year on it.

1964. But 1¼ *d.* would give you 72,000*l.*, would it not?—Then it will not exceed one penny. I was right in one way, because the assessment has only just been raised from 11,000,000*l.* up to 13,800,000*l.*; one farthing produces that amount on 13,800,000*l.*; therefore, 1¼ *d.* on the lower amount would be about right.

1965. The Committee may take it that you spend between 50,000*l.* and 55,000*l.* a year upon the lunatic asylums?—Yes, about that.

1966. How much of that goes to the repayment of debts?—It is made up in this way: the expense of lunatics belonging to the county, that is foreign lunatics, and Scotch or Irish lunatics, for which no parish can be found, comes to 15,000*l.* a year. The repairs for the two asylums come to 8,900*l.*; the superannuations came to 800*l.*; the interest on the money comes

to

to 10,900 *l.*; the repayment of the principle comes to 16,800 *l.*, or we may take it at the rate of 17,000 *l.* a year at the present time.

1967. The asylums are perfectly full, are they not?—Yes, quite full.

1968. Are you able to take in the whole of the pauper lunatics in the county?—No.

1969. Who have the first claim upon you, the pauper lunatics, or what you may call foreign lunatics?—Not the paupers necessarily maintained by the county, but there are also lunatics belonging to other counties; but we have not a large number of them.

1970. Still your loss is very heavy upon them, as I understand?—No; there is a difference between the lunatics which are paid for by other counties; what I call foreign lunatics are lunatics for whom no settlement can be found in a parish, such as foreigners coming over, or on Irish or Scotch lunatics; they are thrown by the parishes on the county fund, and are paid for by the county treasurer.

1971. That forms a very heavy item indeed, does it not?—Yes, this comes to 15,000 *l.* a year.

1972. Are you acquainted with the finance of any other counties in England?—No, not sufficiently to speak of it.

1973. Are you not aware whether this is not an extraordinary charge in Middlesex?—I am sure it is.

1974. London drawing more of those lunatics, whose settlement cannot be discovered, than probably any other part of England?—I believe the same remark applies to Lancashire, with regard to Liverpool, where they have a large number of Irish landing.

1975. Do you have any Government lunatics?—No; but we have to pay for certain lunatics kept at the criminal lunatic asylum, which are included in that 15,000 *l.*, at the Broadmoor Asylum.

1976. Have you no dealings with the Government, with regard to your lunatic asylums?—None at all.

1977. Are there any boroughs in the county of Middlesex that contribute at all towards your county asylums?—There are no boroughs in the county of Middlesex for that purpose, with an independent jurisdiction, except the City of London.

1978. Except the City of London, there is no town in the county that has its own lunatic asylum?—None.

1979. Have you any unions in the county of Middlesex that overlap, and part of which are in other counties?—Yes; I know two, and there may be more. The Barnet Union comprises part of Middlesex and part of Hertfordshire, and the Kingston Union does the same with regard to Middlesex and Surrey, and I think very likely there are others.

1980. How do you manage with regard to them?—We profess, of course, only to take those belonging to our own district, but I daresay some mistake arises in that way, but the parish pays for them, so that there is not very much harm done.

1981. How do you levy the lunatic asylum rate upon those unions?—The proportion in the county is assessed.

1982. Do you levy it, or do the boards of guardians in the union?—The boards of guardians are directed to pay us, and to repay it out of the poor rates.

1983. Do you assess the parishes that are in the county?—Yes.

1984. Do you not happen to know whether there are any parishes that are partly in and partly out of the county?—For instance, I believe Barnet itself is. I know that part of it is in Hertfordshire, and I believe a part of it is in Middlesex.

1985. But there are no cases of sufficient importance to have drawn your attention to it financially?—No; it does not affect us.

1986. What is the rate that you charge the parishes for pauper lunatics?—At the present moment we are charging them 9*s.* 7½*d* a week at Colney Hatch for each patient, and that covers everything except the cost of the building and the repairs. I believe it is 10*s.* 2½ *d.* at Hanwell.

1987. Except on lunatic asylums, no portion of your expenditure is caused by any deficiency in the cases of paupers?—No; certainly not.

1988. It has been stated to the Committee that most of the expenditure under the county rate is entirely by statute; how far do you hold that it lies within the discretion of the justices whether their expenditure is large or moderate?—Only to a most trifling extent. The only thing in which you may say they have any power over, is in regulating the salaries of the officers. I cannot see that there is any other control at all.

1989. How do you regulate the administration of Colney Hatch; for instance, do you have contracts?—We have contracts for nearly everything, everything of any amount, and we do not, of course, invariably take the lowest, unless we are satisfied that the man can perform his contract; but we invariably take the lowest if we think that the man tendering is able to supply us.

1990. Can you tell us from what the difference per head between Colney Hatch and Hanwell arises?—There must be a difference in those large numbers. We have at Colney Hatch 2,070 lunatics, and at Hanwell 1,700. The establishment charges will vary just a little in that way.

1991. Sevenpence per head makes a considerable amount per annum, does it not?—Yes; for the county generally the expenditure for the year 1869, out of the sum raised by the rates, was 71,000 *l.* on prisons, 22,000 *l.* on reformatory schools, 53,000 *l.* on lunatics, 13,000 *l.* on coroners, 3,500 *l.* on the militia, and 8,500 *l.* is put down for sundries, which includes the registration of voters, the clerk of the peace, the county treasurer, the inspectors of weights and measures, and a great many small amounts which make up that sum, making altogether 171,000 *l.* The Government paid last year 23,000 *l.* towards the prisons, 5,500 *l.* towards reformatory schools, and 759 *l.* is the allowance for the militia each year. Then the Government pay very nearly the whole expense of criminal prosecutions, which comes to about 12,000 *l.*

1992. My question applied to the lunatic asylums; how much is spent upon the patients' maintenance?—Colney Hatch divide their accounts in this way: provisions, 4*s.* 11*d.* a week; house, and other expenses, that means coals and gas, and a variety of other expenses like that, 1*s.* 4*d.* per head; clothing, 7¾*d.*; salaries and wages, 2*s.* 1½*d.*; and medicine and incidentals, 5*d*; making altogether, 9*s.* 5¼*d.*; that was the exact cost at Colney Hatch during the last year.

1993. Have you got the gross amount sterling that

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that has been spent under those various heads? —£.51,733 6*s.*

1994. Do not you think that under those heads there is a great margin either for excessive liberality, or for a certain amount of economy; I am not criticising the mode in which it is administered; but in administering such a large sum, do not you think a great deal is left to the discretion of the committee administering it, or the justices themselves, whether the amount would be large or small?—No, I think not so very much; for instance, say a certain diet is fixed, which is adopted after consultation, that is to say, with the other authorities; then as to the Commissioners in Lunacy, they insist upon certain things, and so on, and they find fault if we do not keep a sufficient number of attendants. Then as to the payment to the coroners, that is pretty much fixed; I do not think we could affect the whole expenditure of the county to the extent of 2,000 *l.*, one way or the other.

1995. Does not it make a great difference, whether you have a good manager to superintend the whole, or a man that does not look sharp after everything?—I think it depends entirely upon having good officers; that is my own impression.

1996. What is your discretion as regards the choice of officers?—We are absolute in the choice of officers.

1997. To put it broadly, if you were to relax your vigilance, and let things go at all easily, would not that lead to an increase of expenditure?—Undoubtedly; the committee go down every week, and spend some hours there, and it is only by that that they keep the expense down, I am sure.

1998. Otherwise it might rapidly rise?—It would, undoubtedly.

1999. Although the duties to be performed are marked out by the statute, and the mode in which you perform them, there is considerable room for administrative capacity?—Yes, I think so, certainly.

2000. It would be conceivable that you might have an extravagant board, or it would be conceivable that you might have an economical board?—Yes.

2001. Does the price of provisions materially affect your expenditure?—Very considerably; for instance, our weekly rate a short time ago, was as high as 10*s.* 6*d.*, which was a considerable difference.

2002. When were your two lunatic asylums built?—Colney Hatch was finished about the year 1851, I believe, and Hanwell was finished about 1833; but I am not certain about it.

2003. And the debt was spread over how many years?—Thirty years in both cases; and the result is that Hanwell, with the exception of a recent addition, has been paid off entirely, but Colney Hatch has still a large debt upon it.

2004. Can you state what the debt is at this moment?—The total debt of the county on the 1st of January this year was 570,000 *l.*, and there was a debt outstanding for Coldbath Fields of 164,000 *l.*; for the prison at Westminster 27,000 *l.* the House of Detention at Clerkenwell 14,000 *l.*? Colney Hatch 183,000 *l.*; Hanwell 60,000 *l.*; the Industrial School at Feltham 50,000 *l.*; and militia store-houses 23,000 *l.*; and besides that there was a certain sum of money which was borrowed on tontine a great many years ago, which is now valued at 44,000 *l.*, and which you will find makes up the amount.

2005. For what was the tontine established?—It was for building prisons; but it was a great many years ago, the year 1780, for building the House of Correction at Coldbath Fields.

2006. Mr. *Birley.*] Are any of the details of the expenditure of the lunatic asylums printed and published?—Yes, they are both printed. I shall be glad to hand in these two books (*delivering in the same.*)

2007. Mr. *W. H. Smith.*] I want to ask you whether some pressure has not been put upon the county of Middlesex to provide an additional lunatic asylum very recently?—Very considerable pressure.

2008. Have you resisted that pressure?—I saw the Home Secretary about a year ago, and I told him that we thought that we ought to wait until the district asylums were opened; and we thought that they would sufficiently accommodate them.

2009. Have you an estimate of the number of patients for whom additional accommodation was required?—We said in this way, that we thought that those new district asylums that were building would relieve the present asylums of about 600 or 700 patients, and that would afford room enough for all the cases now.

2010. The district asylums of which you speak would be for the relief of the pauper patients, which are now distributed partly amongst the workhouses and partly in the asylums of Colney Hatch and Hanwell?—Yes; we thought that they would take about 700 from the two asylums.

2011. But what was the accommodation you were required to provide by the Home Secretary?—He did not name any number; but he simply said that a third lunatic asylum should be built.

2012. Have you an estimate of the cost of building that asylum?—No; we have never yet considered what the number would be.

2013. You spoke of the payment to the Broadmoor Asylum falling upon the county; to what extent is that a charge upon the county?—I believe it is this; that all criminals are sent to Broadmoor that are found to be insane, and therefore not fit to be tried; and the county has to repay the Government the cost of them.

2014. We understand that the Government makes that payment to the county for the convicts who are insane, after a certain rate; is no payment made in respect of the lunatics at Broadmoor?—Not a farthing.

2015. So that criminal lunatics are a charge upon the county, whilst ordinary prisoners are not so great a charge?—No, I think it is in this way; that if the Government have a man becoming insane, who is a penal servitude man, he is kept at Broadmoor at the cost of Government; but there are certain offences for which they are convicted, and if a man is not tried because he is insane, the county bears it.

2016. The distinction is this; that a prisoner becoming insane after conviction is not a charge upon the county, but a prisoner acquitted upon the ground of insanity is a charge upon the county?—Yes, I think you may say that; because if a prisoner becomes insane in the county prison he does not go to Broadmoor; he goes to one of the county asylums.

2017. Mr. *Gregory.*] Are both of your asylums confined exclusively to pauper lunatics?—Exclusively.

2018. Do you take in none that pay for their maintenance?—None; they are all pauper lunatics as far as we are concerned. We believe that the parishes get recouped some of them; but at the same time they all come to us from the parishes, and we know nothing about their circumstances; they must come through the parishes.

2019. Mr. *Smith.*] Were the two asylums of which you speak, erected out of the poor rate?—Yes; they are not confined to Middlesex, but they take in a part of Surrey and a part of Kent.

2020. Mr. *Walter.*] Can you inform the Committee what sum has been spent upon Colney Hatch altogether in the building?—I believe about 420,000 *l.*

2021. Was that the original contract price?—No.

2022. I want to know what was spent originally under the contract; what alterations have been made subsequent to that; and whether, through any neglect on the part of the contractor, additional expense has been incurred by the county?—It has been very much enlarged; it was originally built for 1,200, and now it holds 2,060.

2023. Is there any defect in the original building which has entailed expense upon the county?—It is not a very satisfactory building, but perhaps a few thousands might have met the difficulty caused by bad construction.

2024. Mr. *Ayrton.*] It cost 200 *l.* per head, did it not, to build the new lunatic asylum?—I believe that is about it.

2025. Colonel *Brise.*] When was Colney Hatch opened?—It was opened in 1851, and enlarged in 1858.

2026. Has it been necessary to increase it since that time?—Yes.

2027. *Chairman.*] Mr. Pownall has put in a Paper showing that of your total expenditure, 106,000 *l.* is under statute, and accordingly beyond the control of quarter sessions, and 65,000 *l.* is the expenditure over which the quarter sessions are supposed to have control; are you acquainted with that Paper?—I have seen it, but I have not looked at it very lately.

2028. Do you remember whether you agreed to the statement, and whether you took the same view of the principle according to which it was drawn up?—I hardly remember.

2029. Mr. *Walter.*] In your opinion, is it considered desirable that as large a number of lunatics as 2,000 should be kept under one establishment?—We do not find the least difficulty from it. You must bear in mind that a very large number of our lunatics are quite harmless people, who do not give us much trouble.

2030. *Chairman.*] In this Paper the whole of the items for lunatics are put down as expended under statute, and, accordingly, as items over which the quarter sessions have no control?—You may say that the only control that they could have would be over the repairs of the building; they could have no other control certainly.

2031. Have you not got the control, practically, over almost every shilling of it, in the sense of controlling it to see whether it is an economical administration or not?—The sum that is down there for lunatics, with the exception of about 8,000 *l.* a year for repairs, is entirely for debt and interest; therefore that is a matter over which we have no control now.

2032. Then you have control over that part which is not entered into the account, but is charged to the parish?—Not the quarter sessions, but the committee of visitors who are appointed; the quarter sessions have nothing to do with it excepting appointing the committee.

2033. Have not they the control of the accounts?—Not in the least; the accounts are submitted to them annually, and they can find fault with them and not re-appoint the same members as a committee, but that is the only control that they could exercise.

2034. Is that by law or custom?—By law; by the Lunacy Acts.

2035. As regards the appointment of officers, does that rest entirely with the committees?—Entirely with the committees.

2036. So that it is the committees who have got the control, but not the quarter sessions?—Yes, that is so.

2037. So that the quarter sessions have not got much influence?—No control at all, you may say, except as to the appointment of committees.

2038. But the committees have very considerable control over the expenditure, have they not?—Yes, considerable. Of course the quarter sessions could decline to find the money for repairs, but practically that is a very small control.

2039. As regards the repairs the quarter sessions have more control by law, have they not?—Yes, they have to find the money, and therefore they, no doubt, could refuse to do the repairs.

2040. "Repairs," is an elastic item, I presume, in a large establishment?—I think it is very moderate. Upon this building, which cost 420,000 *l.*, the repairs do not average more than 4,000 *l.* a year, which is only 1 per cent., and when you remember the destructiveness of lunatics, I think it is a very moderate amount.

2041. But it would be very easy to run it up, if there were not vigilance and good order?—Unquestionably; if you have not competent officers no doubt it would be so.

2042. If there were not competent officers, and a vigilant committee, this amount, which is under the control of, and overhauled more or less by the quarter sessions, might be very much increased?—Very likely.

2043. As regards the county bridges, that is a very small item?—A small amount of about 700 *l.* or 800 *l.* a year in Middlesex.

2044. It was stated that the quarter sessions had no control over that item; do you concur in that?—They are obliged to keep them in repair; I believe there are 20 bridges, so that there is not much room for extravagance upon that head.

2045. As regards the militia, the item is 3,441 *l.*; what have you to say with regard to that?—I do not think they have any control over that, excepting keeping the building in repair.

2046. The next item in the memorandum is Incidental Expenses about 3,000 *l.*; how is that made up?—There are several small items which make up that amount.

2047. Have you considered at all the question of the payment of rate by the owner instead of by the occupier, as regards the county rate?—I think it would be very unfair upon the owner; the owner has let his land at a fixed rate.

2048. I do not mean retrospectively?—Then in that case the owner would make his own bargain in the matter, and it would not signify.

2049. If

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2049. If we were to change the law in the course of this year and put the rate upon the owner, and a new lunatic asylum were to be built two years afterwards, would it make any difference whether the rate is upon the owner or upon the occupier?—I think the owner would charge for it in his agreement with his tenant.

2050. Before he knew whether it would be built?—I think he would take that into consideration; it might be impossible to adjust it exactly.

2051. And he would be able to get so much more from the tenant?—I think so.

2052. Would not that depend on supply and demand?—I think no more than it is now; the tenant gives him a price, fully understanding that he has got to pay the rates.

2053. Take the case of long leases, and an increase in the rate during the existence of a lease, would not it make a great difference as to whether the rates were to be put upon the owner or the occupier?—Yes, but the tenant has by contract undertaken that liability.

2054. Then if the rates have increased to the extent which it is generally alleged they have increased, the tenant made a bad bargain?—No doubt.

2055. If there were a change in the law, and it were put upon the owner, you think that the owner would be able to get the rates out of the pocket of the tenant?—I think so.

2056. And that, on that assumption, it is fair in principle, looking to the fact that all permanent improvements which are spread over a long number of years should be borne by the temporary occupiers whose leases may expire long before the improvement is paid for?—I think if you look at it in this way, those temporary occupiers enjoy all the advantages of their predecessors; their costly buildings and the considerable sums that they have expended, and they only pay during their occupation one-thirtieth; because most of those improvements are spread over 30 years, and therefore they only pay one-thirtieth during each year.

2057. As regards the question of administration, have you heard of any complaints in the county of Middlesex as to the non-representation of the ratepayers?—There has been a little, but I think less in the county of Middlesex probably than in many agricultural counties.

2058. Have you given any attention to the question of the representation of the ratepayers in county matters?—I believe that it would add largely to the expenditure.

2059. Do you think that they would be more extravagant than the magistrates?—I think that they would spend more money; there would be more jobbery altogether, and they would spend more money.

2060. You think on the whole that the magistracy is a safer body to trust the expenditure of the rates to, than the representatives of the ratepayers?—Far safer, I think.

2061. Not only as regards liberality of expenditure, but as regards economy?—I think so.

2062. Mr. *Ayrton.*] Are you aware that if you add the police rate to the county rate, the county rate in Middlesex is higher than in any other county in England?—I think that is the result; but you must bear in mind that no county in England has the same amount of lunatics or prisoners that Middlesex has.

2063. What do you ascribe that to?—It is just this, I believe, that the paupers all flock to London, and criminals in the same way flock to London, and they ultimately get thrown upon the county of Middlesex.

2064. Mr. *Rathbone.*] Do not you think that if the rates were thrown partially on the owners, and in that way caught the owners of ground rents and others after the expiration of the leases, those parties would look more sharply after the rates, and take more interest in their expenditure than they do now?—I am afraid that they could not do it in the metropolis; they might do it in country places, but I think that representation in the metropolis is really more theoretical than anything else; you cannot in those large districts get any influence to bear.

2065. You do not think that if those men felt increased taxation in case of any extravagance, they would take an interest in preventing that extravagance?—I do not think they would.

2066. Mr. *Pell.*] You said that 9 *s.* 7½ *d.* in Colney Hatch, and 10 *s.* 2½ *d.* in Hanwell, covered all the expenses except building?—Except the original cost of the building, and the annual repairs.

2067. Could you say what that would add per head at Colney Hatch to the cost of the lunatics?—I should think about 3 *s.* 2 *d.*, paying off the debt annually, and paying the interest upon the debt until it is paid off; the repairs for the year were 4,000 *l.*

2068. That would add nearly one-third to the cost of the lunatics?—Yes.

2069. There is a loss to the county, you may say, as far as foreign lunatics come in question, of about 3 *s.* per head, is there not?—No, we charge lunatics belonging to other counties, 14 *s.* a week.

2070. I mean the criminal lunatics that come to you under the Government?—That we cannot help; we have to pay for them; the county loses that.

2071. So that a county ratepayer has to pay the cost of lunatics with whom he may have no local connection whatever?—Yes; the county of Middlesex is at this moment paying 15,000 *l.* a year on that score only.

2072. Do you think that it would be fair to charge the ground landlord with any portion of the rate, as under his sealed contract he would not be able to recover it by any new conditions with his tenant?—Not unless you alter the rating, and throw it on other property besides ground-rent; if you throw it upon property in the funds and so on, it would be perfectly fair.

2073. Would you be prepared to bring ground-rent and personal property into a category of that sort?—I think that the expenses are just as much for the protection of personal property as where a man gets his income from houses and land.

2074. Do you think that ground-rents and income derived from personal property stand very much upon the same footing?—I think so.

2075. You would rate the one, and you would rate the other?—Yes, I think so.

2076. Sir *James Lawrence.*] With regard to the suggestion that the county rate should be placed upon the landowner, your reply was that he would make it up by charging an increased rent; will you tell me how that could possibly be done with a rate of 2¼ *d.* in the pound; supposing the county rate were to be placed upon the owner instead of the occupier, in what way could the owner recoup himself as to charging an extra rent, taking an average rent of 50 *l.* a year; how could

could a man obtain more rent than that 50 *l.* if he had to pay the county rate instead of the occupier paying?—He would probably put on another pound to secure himself.

2077. Would he get 51 *l.* where he has 50 *l.* now?—Yes.

2078. Is it your experience that a man could make a 50 *l.* rent into a 51 *l.* under any circumstances whatever?—I do not think there would be any difficulty.

2079. Mr. *Seely.*] We have heard a great deal about the control which the magistrates have over those establishments, and you expressed an opinion that they had no control; I suppose the committee of visitors have just the same control as the owner of any other large establishment, and that they exercise that control in exactly the same manner?—The committee of visitors have the entire control.

2080. Mr. *Gregory.*] Would you have any considerable difficulty in ascertaining what "owner" really meant in respect of metropolitan property?—I should think it very difficult.

2081. You have first the ground landlord, then you have the owner of the improved rent, then you have the lessee under him; then you have the immediate lessor, and then you have the occupier, is not that so?—Yes, I think it would be very difficult indeed.

2082. And you have the mortgagee in many cases?—Yes, very often.

2083. And all those might come under the term owner?—Yes.

2084. Mr. *Birley.*] You say that the owner of the property would recoup himself by charging an extra rent, but how would that be in the case of a 99 years' lease?—Then, of course, the owner would have to lose.

2085. Mr. *Backhouse.*] I think you answered the Chairman that you considered it would be very unfair to place the rate half upon the owner and half upon the occupier, on account of previous agreements; what would be your opinion in the case of a rate for an entirely new object, would it not be fair in that case to divide between the occupier and the owner a rate not contemplated at the time of entering into the agreement?—I think if the honourable Member's question as to who was the owner was explained, I could answer better. I will take the case of the Duke of Bedford with 10 *l.* ground rent, where, perhaps, the premises are worth 150 *l.* a year, is he to pay one half upon 150 *l.* a year; he would, perhaps, get only 7 *l.* out of his 10 *l.* ground rent.

2086. I am speaking of the ordinary ownership of land, taking an agricultural landlord and tenant?—That hardly applies to Middlesex, because there is so very little agricultural land in it.

2087. Are you able to state how often the assessment is corrected in the county of Middlesex?—It used to be every five years, and I believe it was to be every three years; but I suppose that the new assessment Act will govern it now.

2088. The assessment of the county rate is almost the same as the poor rate, is it not?—It is rather higher than the poor rate.

2089. Have you any opinion as to the expenditure upon coroners in the county of Middlesex?—Yes; it is a most serious matter, and it is really a matter that nobody now but the Legislature can help. The coroners used to be paid by fees upon each case, and then the magistrates had the power of disallowing any fees for any unnecessary inquests, but a few years ago that was altered, and they have a fixed sum which was settled then by the Secretary of State; for though the magistrates had the power of settling it, the coroners, on appeal to the Secretary of State, altered it as far as Middlesex was concerned; that is subject to revision every five years. In the case of one coroner, we began with 1,200 *l.* a-year, and on the revision of five years the inquests had increased so much that he got it up to 1,700 *l.* I think three years of the next five have gone, and there is every prospect that it will be 2,200 *l.* at the next revision; therefore it is practically paying him by fees, and there is no control over it.

2090. Does the coroner hold inquests at his own discretion?—Yes, entirely. 13,000 *l.* last year it cost the county of Middlesex for coroners.

2091. The magistrates have expressed a strong opinion in quarter sessions upon the subject, have they not?—A very strong opinion.

2092. To the effect that useless and unnecessary inquests are held?—They believe so, to a large extent.

2093. Have you formed any estimate of the largest number of lunatics or prisoners who can be massed together in one building with the greatest amount of economy; I ask the question rather with regard to the fact that, when you get beyond a certain number of persons in one building, it becomes necessary probably to have a superior kind of officer to overlook those who would be independent in a smaller building?—My experience is, that it is always wise to have good officers in every building.

2094. Would you be prepared to increase the number of lunatics in Colney Hatch beyond 2,060, which you state to be the number at present?—I do not think that, as regards the management of the lunatics, there would be any difficulty. The great difficulty there would be the disposal of the sewage; but I do not think there would be any difficulty as regards the management of the lunatics.

2095. You are of opinion that the number may be increased with economy, as far as the cost per head is concerned?—I think so.

2095*. But there may be other difficulties which would render it impossible to increase the number?—Yes.

2096. Does the same remark apply to prisons, as far as you are aware?—I have no doubt it does to a certain extent. The cost of our prison at Coldbath Fields last year was 19 *l.* 4 *s.* each prisoner.

2097. Mr. *St. Aubyn.*] In answer to a question from the Chairman, you said that, in your opinion, more extravagance and jobbery would prevail under the management of a body elected from the ratepayers than under the management of the present irresponsible body; would you have any objection to tell the Committee the grounds upon which you arrive at that conclusion?—It is a difficult question to answer, but that is my experience. I see very strange doings amongst those elected men, if they are not of a class of society to be restrained by the force of public opinion.

2098. You do not feel at liberty to state the grounds upon which you have formed that opinion?—I would rather not, I think.

2099. Mr. *Walter.*] Are you a guardian of the poor, as well as a magistrate?—I am an *ex officio* guardian.

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2100. Do you happen to know the amount of the poor rate of the county of Middlesex?—No, I do not remember.

2101. *Chairman.*] What provisions for audit are there as regards the county expenditure?—The county treasurer keeps all the accounts, and then there is a committee appointed, who audit them every quarter.

2102. There is no professional auditor?—No professional auditor. They are published; there is a quarterly account in which every payment is set forth.

2103. You have not an audit by any one who has the power to make surcharges or disallowances; that is to say, there is no similar audit applied to county expenditure like there is to to the poor law expenditure, or to the expenditure of local boards?—No.

2104. As regards the question of administration, you no not think that it would be improved by elected representatives from the occupiers, as I understand you?—No, I think not.

2105. What do you say if the rate were put upon the owner direct, to giving the owner a direct representation, instead of the present system?—I do not think it would be done more economically.

2106. You have not had in your mind any scheme for giving the owner direct representation on county financial boards, or any scheme of that kind?—No.

2107. With regard to the poor rate, the difficulty in the poor rate is to elect representatives to administer it; what would be your view of putting a certain portion of the poor rate upon the owners as well as upon the occupiers?—I think the same remark applies, that it would really be unjust on present contracts. If you make new arrangements, of course that might be done. I may say this, that I think it would be far better that the owners should elect representatives, instead of the magistrates being *ex officio* guardians.

2108. Will you state the grounds on which you think that that would be the case?—I think the magistrates have a great many other duties to perform, and you cannot depend upon their attending those boards; they have not time to do it to the full extent that men who were elected would have, especially as men would be elected who would make it their business to attend.

2109. Why do you hold strongly that, as regards the county finance, it is not necessary to have the elective principle, whereas you think that, as regards the administration of the relief of the poor, it would be advisable to substitute the elected representatives of the owners for the present system of *ex officio* guardians?—My reply applies entirely to the metropolis; and I think it would do there, because the *ex officio* guardians have a fresh duty cast upon them, and the magistracy have not taken to it in the same way, perhaps, that they might have done if they had always had the duty to perform.

2110. Do you think also that the representatives of the occupiers would consider that the elected representatives had got more right to interfere in parochial matters than *ex officio* guardians?—I think if the owners paid a portion of the rate, they would.

2111. Would not that be rather an argument in favour of the owners paying a portion of the rate, that they might then be entitled to a fair share of the representation?—There the difficulty comes in, as to who is to be defined as the owner.

2112. You are aware how the income tax is charged upon the owner, namely, that it is levied upon the occupier, who can deduct it from the owner?—Yes, he deducts as much in the pound as he pays; but if a man has got a house worth 50 *l.* a year, and the ground-rent is only 5 *l.*, he only deducts income tax upon the 5 *l.*

2113. Do you see any difficulty in applying a similar arrangement to rates?—No; I think it would be a very beneficial arrangement.

2114. That is what the Committee understand by putting a portion of the rate upon the owner; you see no difficulty in deducting a certain portion of the rate from successive persons interested in the property under a new contract?—Exactly, if it was confined to his interest in the property.

2115. Anyone who had got a house, for which he was paying 200*l.* a year, therefore would deduct, say half his rate in the pound, from his 200*l.* a year?—Yes.

2116. And if the receiver of this 200*l.* a year paid a ground rent of 50*l.*, then he would deduct so much in the pound from his 50 *l.*?—Yes.

2117. Would that appear to you to be an equitable arrangement?—I think it would be, but I think it ought to extend to other property besides simply house property.

2118. At the present moment, irrespective of other property into which we will not go now, do you hold that in case of a new agreement, the rates do fall upon the owner ultimately?—I think so.

2119. Therefore they would only fall upon the owner in a different shape?—Yes, in the case of a new agreement.

2120. It would be direct, instead of indirect, would it not?—Yes.

2121. And the owner would know that he was paying?—Yes; and I think it would be a great improvement if he was to have a voice in the representation by electing a certain number of representatives.

2122. Do you think that the present system of plurality of votes works well?—I think so.

2123. Do the owners take as much part in the elections as the occupiers?—No.

2124. Would the owners, if they put forth their full strength by their plurality of votes, be any match for the occupiers of the metropolis as regards the number of votes? — The owners would be so scattered that it would be excessively difficult to get at them.

2125. The owners are registered now, I presume, for the purposes of plurality votes?—No, not unless a man claims it; the occupiers only are put on.

2126. Can you state whether the owners generally do make that claim?—No, not one out of 500 makes a claim.

2127. So that the number of those registered altogether must be small, and the total number of owners who take part in those elections is quite infinitesimal?—Yes, quite. I may tell you that last year in St. Pancras the number of owners, I do not think, were 20 who claimed for the whole parish.

2128. How many votes do you happen to know were registered altogether for the election of the guardians of St. Pancras?—There were 19,000 voters.

2129. If the owners were to obtain a direct representation,

representation, you would prefer, would you not, that the owners should elect a certain number separately?—Yes, quite separately; it would be no use without.

2130. Do you think that that would be likely to produce antagonism at the board between the representatives of the owners and the occupiers?—No, only inasmuch as they would probably be rather a different class of men, they would take different views.

2131. If the owners of various classes were paying a portion of the rate, there would not be the feeling that exists now, at people interfering without paying?—No, I do not think that there would.

2132. I gather from your evidence, that you see a strong argument in favour of putting a portion of the rate on the owners in that way, for the purpose of giving them more *locus standi* in the administration of affairs?—I think that would be an advantage.

2133. Is this the case, that at present, practically, a large portion of the money comes out of the pockets of the owners, while they have very little voice in the administration?—They have no voice at all, certainly, practically.

2134. Through the *ex officio* guardians it has been assumed, has it not, that they have a certain amount of representation?—I think you can hardly assume that. I do not think that the *ex officio* guardians have thought any more of the owners than of the occupiers; they have simply endeavoured to administer the affairs of the union.

2135. Mr. *Gregory.*] It is suggested to you that the rate might be deducted like the income tax; does not that assume that the rating must be upon the full rental?—Yes; or else I suppose there must be some abatement made, which would be very difficult to arrive at.

2136. For instance, take a man paying 200*l.* a year, and rated at 150*l.*, his rates are 1*s.* in the pound, and he pays upon 150*l.* a year; but then say he pays 50*l.* to his superior landlord; is he to deduct 1*s.* in the pound from the 50*l.* which he pays?—No, only upon the proportion.

2137. Then he would have to do a Rule of Three sum in every assessment?—Yes, he would have to do so. But, however, the New Assessment Act will provide for that very much; it lays down the basis upon which all properties are to be assessed, and it will come into operation next November. At present there are certain deductions made for certain classes of property.

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2138. Would that apply between the tenant and his immediate landlord?—I think it would.

2139. Mr. *Smith.*] Did I rightly understand your answer to be based upon the principle that all descriptions of property and all descriptions of income ought to contribute to the rates in a fair proportion?—I think so.

2140. Mr. *Walter.*] With regard to your opinion that it would be desirable that the owner as well as the occupier should pay a proportion of the rates to the poor, is that conditional upon the other assumption that all house property should be rated to the poor, or do you view the two ideas separately?—I am afraid it is very difficult to answer that question without trenching upon a question which the Committee do not wish to enter into.

2141. *Chairman.*] Supposing that all other income were not rated, would you nevertheless be in favour of rating the owner to the poor rate, on account of the considerations which you have stated to the Committee?—I think there would be so many advantages in direct representation on the part of the owner, that I think it would really be worth some sacrifice on his part to secure it.

2142. If you were to put the rate upon the owner for the future, you would not be putting him in a worse position upon the whole than he is in now, provided you give him free liberty to contract as he likes?—Not in future contracts; I do not think it would hurt him in the least; I think he would rather benefit by it.

2143. Colonel *Brise.*] When you speak of the Assessment Act, which will come into operation this year, to what Act do you refer to?—To the Metropolis Valuation Act.

2144. That Act I presume, has not reference to all England?—No, only to the metropolis.

Mr. Francis H. N. Glossop, called in; and Examined.

2145. *Chairman.*] You are Chairman of the Committee of Coldbath Fields Prison, are you not?—Yes, I am.

2146. And you are acquainted with the administration of that portion of the county rate especially which is spent on prisons?—Yes.

2147. Have you been connected with any other House of Correction?—Many years ago I was on the committee of the House of Detention, but not latterly.

2148. Can you state the various establishments in what you may call the criminal part of the jurisdiction of the quarter sessions?—The House of Correction in Coldbath Fields, the Westminster Prison for Women, and the House of Detention at Clerkenwell, which is for prisoners before trial.

2149. And besides that, are you also acquainted with the administration of the industrial and reformatory schools?—Yes, with the Industrial School at Feltham.

2150. Can you state to the Committee what you spend upon the industrial and reformatory schools?—The expenditure on the Industrial School at Feltham was 13,936*l.* in the year 1869, not including the interest of monies borrowed.

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2151. Are those what you may call the administrative expenses?—Yes. I should say that there was a payment made by the Lords of the Treasury, which is included in the gross sum I have named.

2152. Can you state to the Committee the circumstances under which that expenditure is incurred; a large portion of the sum which is entered in this statement is expenditure over which the quarter sessions are supposed to have control?—I, myself, hold that the quarter sessions have control over the whole of that expenditure, inasmuch as the establishment of an industrial school is not compulsory upon any county; Middlesex is the only county which has such a school. We also contribute to other reformatories and industrial schools, but in no case, I think, is it compulsory.

2153. I see the total expenditure under this head amounts to 22,000*l.*; do you consider that the

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the whole of that is an optional expenditure?—I do.

2154. That would be a large proportion, being about one-eighth of the whole of your county expenditure?—The whole county expenditure is 171,000*l.*

2155. Under what circumstances had this expenditure been incurred?—As long ago as the year 1854, I think, the present chairman of the quarter sessions, who was at the time chairman, and Mr Serjeant Adams, who was at the time assistant judge of the county, were frequently struck with commiseration for the poor miserable little children who were brought up at our sessions; little boys, some of whom had to be lifted up, as their heads did not appear above the dock; they thought it a miserable thing that those children should be sent to prison. This was before the establishment of reformatories generally, and a special Act was obtained by the county of Middlesex to enable the county to establish a school to which those boys might be sent, instead of being, as they previously had been, sent to prison.

2156. I see in this Paper which has been handed in, that, with regard to the industrial and reformatory school, it is said that even over the whole expenditure it is considered that the quarter sessions have but little control; that is not your opinion, as you consider that they have adopted the expenditure voluntarily?—We adopted it voluntarily. The Act only says that the county may establish such schools; it does not say that they shall.

2157. What is the number in the reformatory?—In the industrial school, or as it has been commonly called, the reformatory, the number at the present moment is 736 in the school at Feltham, and we contribute towards the maintenance of both boys and girls in other schools.

2158. Will you state to the Committee how you stand as regards the maintenance of the prisons, and the contributions from the Government; the allowance from the Treasury for the prosecution and transporting of prisoners will amount to about 38,000*l.*, I think?—I have it entered in this way: the Treasury pay for certain prisoners committed from the sessions, and for prisoners committed under the Criminal Justice Act, 4*s.* a week for each; and the payments from the Treasury in the year 1869 for such prisoners amounted to 23,500*l.* There was a payment of 5,500*l.* for boys in the Middlesex Industrial School, and I have the figure down as 12,000*l.* paid by the Treasury to recoup the county for the prosecution of prisoners.

2159. The Government allow you 4*s.* a week per head for the prisoners; what do they cost?—The cost per annum for diet, clothing, salaries, pensions, and repairs, I have down as 19*l.* 14*s.* 11*d.* each prisoner. From the amount which I have stated, I think Mr. Wyatt deducted the cash paid to the county treasurer for receipts from prisoners' labour about 10*s.*

2160. I presume that the cost is about 8*s.* per week?—Yes, within a fraction.

2161. Do you know upon what principle the 4*s.* a week has been fixed upon as the contribution from the Government?—I am under the impression that that is for diet and clothing.

2162. And that they do not contribute to the other charges?—No, I think not.

2163. Are you aware whether that sum of 4*s.* has been always received for some years past?—For as long as I can remember.

2164. Do you happen to know how it is fixed, whether by agreement, or by Act of Parliament, or otherwise?—I do not know.

2165. Have you ever heard any complaints as to the 4*s.* being an insufficient payment; has that point ever been raised at the quarter sessions?—I think not.

2166. Have you found any inconvenience from the police not being under the jurisdiction of the magistrates of the county of Middlesex?—I am the chairman of the Brentford petty sessions, where we have to perform nearly all the duties of a police court, and, of course, speaking as chairman of that division, I should prefer to have some authority over the police.

2167. But, practically, no great inconvenience has resulted in London from the division of the duties?—No.

2168. You are obliged to make arrangements with the police continually, I presume, as regards the care and protection of the prisoners and the prisons on certain occasions?—No; I only know of one occasion on which that has been necessary.

2169. Colonel *Brise.*] I think you stated that the expenditure on the industrial schools of 22,000*l.* a year, was entirely under the control of the magistrates; if the ratepayers had elected those who administer that expenditure, do you think that the Act would have been put into operation as it has been?—I believe that the Industrial School at Feltham would never have been built.

2170. And if the administration had been in the hands of owners who had been elected, would it have been in existence?—Possibly it would.

2171. Sir *James Lawrence.*] What length of time do children remain in that industrial school?—Boys are now sent to us under two Acts of Parliament; those sent under the Middlesex Act are detained for three years; we also now have a certificate under the Industrial Schools Act of 1866, and the boys who are sent to us under that Act are sent to be detained until they are 16 years of age. Therefore, a boy sent at 10 years old may be detained for six years.

2172. What becomes of the boys afterwards?—We take very great pains to prepare them to earn an honest living. A great many of them are trained in music and are enlisted into the regimental bands; many are trained for matters relating to the sea, and are sent to sea in merchant ships, and some few we have trained in agriculture and sent to Canada. We are sending, at the present moment, two a week to Canada.

2173. And some to Australia?—We find the expense of emigration to Australia too great. We have sent a few to Australia, but we can send three boys to Canada for the same expense as one to Australia.

2174. Have you not sent more to Australia than to Canada?—No, certainly not.

2175. Do you know whether they have turned out well?—Yes, the boys sent to Australia have turned out, on the whole, very well; they have had a better chance than those sent to Canada. I think they have been better received by the colonists there; we have sent them to Western Australia, where they have not had the temptation to remain in large towns, which is the bane of a London boy. If he has a chance of remaining in a town he is apt to do so, and they have not had that chance in Western Australia, and there has not been such facility of returning.

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Out of 12 boys concerning whom we had reports some time ago, I think 11 were reported to be doing very well, and of the twelfth it was merely said that he had left his situation, and was a restless boy.

2176. Mr. *Birley.*] You have said that there is no inconvenience, in your opinion, in the police not being under the jurisdiction of the county magistrates in Middlesex; does that remark apply as well to the rural districts as to the urban districts?—Yes, to the rural districts of Middlesex. I know nothing of the administration of the police in London proper.

2177. You think that there is no inconvenience in the police in the rural districts being removed from the control of the county magistrates?—I think not.

2178. Mr. *Backhouse.*] At whose cost is the emigration of children from the reformatory?—Under the Middlesex Act we are enabled to expend 5*l.* per head out of the county rates. Of course 5*l.* is not sufficient for the outfit and passage of a boy even to Canada, and the balance is made up by voluntary subscriptions amongst the magistrates.

2179. Mr. *W. H. Smith.*] You mentioned that there were three Middlesex prisons, the House of Correction, the Westminster Prison for Women, and the House of Detention; the Industrial Reformatory School is very much in the nature of a prison charge upon the county, is it not?—Yes.

2180. In addition to those four prisons, there are the City prisons maintained by the City, are there not?—Yes.

2181. Do the City contribute to the county rate?—We have nothing to do with the City prisons.

2182. Then the City does not contribute to the prison charges of the county?—No.

2183. You have been called upon to erect an additional prison, have you not?—Yes, I think the Secretary of State did call the attention of the magistrates to the deficient accommodation in the prisons.

2184. But you have not yet incurred that expense?—No.

2185. We were told that some prisoners are farmed out, and that you have not got sufficient room in the three prisons; at what cost are those prisoners farmed?—£.22 per head.

2186. Whilst you maintain them at 19*l.*?—Yes, and to the 22*l.* per head must be added that they cost us at least 2*l.* for sending and bringing back, and there is the loss of the prisoner's labour during the time he is absent.

2187. But still the contribution from the Government remains the same, namely 4*s.* a week for an ordinary prisoner, or 8*s.* a week for a penal servitude prisoner?—Yes.

2188. The total cost of the prisons in Middlesex is 94,500*l.*; that is 71,000*l.*, the cost to the county, and 23,500*l.* contributed by the Treasury?—Yes.

2189. So that the Treasury contribute only about one-fourth of the total cost?—That is so; and the great hardship to the county of Middlesex is, that many of those prisoners are not persons belonging to the county; and that applies also to the Industrial School, for the boys in the Industrial School are by no means Middlesex boys; they have drifted towards the metropolis from all parts of the country.

2190. Attracted by the personal property which exists within the county of Middlesex, they have become a charge upon the rateable property of the county of Middlesex?—Yes, quite so.

2191. *Chairman.*] You have heard Mr. Wyatt's evidence upon the rating of the owners, will you state to the Committee your view upon that point?—I am afraid I should get into the same difficulty that Mr. Wyatt did; but I agree with Mr. Wyatt that there would be some advantage in the incidence of the rates upon the owner, certainly, if it was connected with direct representation upon the boards of guardians.

2192. Are you a guardian of the poor?—*Ex officio.*

2193. Have you attended to parochial work as *ex officio* guardian?—Not recently; I did a few years ago, and I discontinued it.

2194. Have you formed an opinion as to whether it would be better for elected representatives of the owners to attend at the boards of guardians rather than the present *ex officio* guardians?—I think so, certainly. At the board which I occasionally attended, I found that there was a prejudice against the attendance of *ex officio* members of the board; they were looked upon rather as intruders.

2195. On account of their not paying any portion of the rates?—They certainly do pay rates; my experience is that we do pay rates.

Mr. Danby P. Fry, called in; and further Examined.

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2196. *Chairman.*] Can you state to the Committee the present law as regards highway rates?—On the last occasion, I think I stated that the work which I referred to was prepared in 1846. Since that year very important changes have been made in the law relating to the highway rates.

2197. Will you state briefly the changes in the law with regard to the highway rate?—In 1844, in consequence of the Rebecca Riots in 1840 and 1841, the South Wales Highway Act was passed, which established a county roads board in each of the six counties of South Wales, which was to manage the turnpike roads in each of those counties, and with power to supplement the reduced tolls by a county road rate; that was the first important change in the highway rate; that was limited to the six counties of South Wales, and formed the model upon which the subsequent

general law was made. The rate was to be levied like an ordinary county rate, but there was an express provision empowering the occupier to deduct the amount of the annual rate from his rent.

2198. And that was the first allowance of deduction of rate from the owner as regards highways?—Yes; of course it was under very peculiar circumstances; it entirely arose out of the dissatisfaction with turnpikes, and it was to set the turnpike question right that it was established.

2199. Is that Act still in force?—It is substantially in force; but in 1851 and in 1860 amending Acts were passed, by which highway districts and highway boards were formed in the six counties of South Wales. The first Act in 1844 established a county roads board for the whole county; in 1851 highway districts were formed in each

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county, and a highway board for each district, and that Act was amended in 1860, and those are the two Acts which are now in force.

2200. Did the amendment of the law change the state of things as regards the deduction of the rate from the owner?—Yes; in those districts in which the highway boards were thus formed certain districts have been taken out of the operation of these Acts and placed under the Local Government Act; but those are special exceptions, and so far those particular districts of course are not under the operation of these general Acts, but are under the Local Government Act of 1858; but as regards the rest of the country the boards are to manage the highways and to take also the turnpike roads. For that purpose each board is to call for the money which it requires, from the overseers of the several parishes which are wholly or partly within the district. Then the overseers are to raise that money by a separate rate on the parish or part of the parish, and that rate is to be levied in the following way: it is to be levied on the persons, and in respect of the property by law rateable to the relief of the poor, and it is also to be assessed upon the net annual value of such property ascertained by the rate for the time being for the relief of the poor.

2201. To what portion of the country does that Act apply?—To the six counties in South Wales; but though it is to be levied in respect of property rateable to the poor rate, and the value was to be ascertained in the same manner, there is a proviso "that the rate shall also extend to such woods, mines, and quarries of stone, or other hereditaments, as were, before the Act of 5 & 6 Will. 4, c. 50, usually rated to the highways;" so that it is really a highway rate. There is no provision as to the occupier deducting it from the owner.

2202. As regards the rest of the country, will you state to the Committee what changes have occurred since 1844?—In 1862 this plan, which had been adopted in South Wales, was virtually extended to the rest of the country. A similar system of boards and districts was extended permissively to the rest of England and Wales. That is, of course, subject to certain exceptions where there are other authorities acting. Perhaps I had better state what those exceptions are, because in those districts this Highway District Act is not in force.

2203. Before you do that, will you state the constitution of the highway board that administer the rate?—Each highway board, after the district is formed, is to consist of waywardens, who are elected in the several places within the district, and of justices acting for the county and residing within the district.

2204. How are the waywardens themselves appointed?—In every parish forming part of a highway district, there shall be elected every year, for the year next ensuing, a waywarden, or such a number of waywardens as may be determined by order of the justices. They are to be elected in every parish.

2205. By whom are they elected?—"Such waywarden or waywardens shall be elected in every parish forming part of a highway district, at the meeting and time and in the manner and subject to the same qualification, and the same power of appointment in the justices, in the event of no election taking place, or in the event of a vacancy, at in and subject to which a person or persons to serve the office of surveyor would have been chosen or appointed if this Act had not passed." They are to be elected in the same way as the surveyors, under the old Highway Act.

2206. How were the surveyors appointed?—They were elected by the inhabitants of the parish at a vestry meeting.

2207. Then the waywarden practically represents the elective element, and the justices represent the *ex officio* element?—Yes, quite so; it is similar to the constitution of the board of guardians.

2208. Do you happen to know how far the number of waywardens would depend upon the number of parishes included in the district?—The number of waywardens is to be determined by order of the justices, but upon what principle they proceed in determining it I do not know.

2209. Therefore the justices practically determine how many of them are to sit with them as waywardens, subject to having at least one from each parish?—Yes, subject to having one from each parish, they may determine the rest.

2210. Mr. *Fielden.*] Is there any qualification for a waywarden?—No, I do not think that there is any specific qualification in the Act; he must be elected in the same manner as the surveyor; I do not think there is any further qualification.

2211. *Chairman.*] Are the justices residing in the adjoining parish also qualified to act in certain cases?—The Act says, "the justices acting for the county, and residing within the district;" I do not think that there is any alteration in that; there is a provision as to *ex officio* waywardens.

2212. Mr. *St. Aubyn.*] *Ex officio* waywardens are justices residing in the neighbourhood; what is their exact qualification?—The 27 & 28 Vic. c. 101, s. 29, states the qualification of *ex officio* waywardens:—"A justice of the peace acting for the county in which a highway district is situate, if he is resident in any place which is prohibited, either altogether or without the consent of the local authority, from being included in a highway district, by the 7th section of the Highway Act of 1862, and which is surrounded by or adjoins in any part such highway district, shall, by virtue of his office, be a member of the highway board of such district, subject to the qualification, that if in pursuance of this section any justice of the peace would be entitled to be a member of two or more highway boards in the same county, he shall by letter under his hand addressed to the clerk of the highway board for which he elects to act, and by him to be transmitted to the clerk of the peace of the county declare of which of the said highway boards he elects to be a member, and having made the election he shall be bound thereby, and shall not be entitled, by virtue of his office of justice, to be a member of any other of the said boards."

2213. It comes to this, that if a justice of the peace lives in a parish which is under the management of a local board, and is not within a highway district, and which parish adjoins a highway district already formed, the justice is qualified to act as *ex officio* waywarden of the board of such district?—Yes; I suppose that is the result.

2214. *Chairman.*] Will you go on with your statement as to how the Act had been adopted for the country generally, after having been tried in six counties in Wales?—Those places were excepted

cepted by the Act which were already, in fact, provided for. I am speaking of the Highway Act of 1862, and it was not to apply to any of the following places:—First of all South Wales itself, then the Isle of Wight, which was provided for by a local Act; then any district under the Public Health Act, or Local Government Act; then any parish or place, the highways of which were at the time of the passing of this Act, or might be within six months afterwards under the superintendence of a board, established in pursuance of section 18 of the principal Act, that is, the Highway Act of 1835, unless with the consent of such board. Under the Highway Act of 1835, highway boards might be elected under particular circumstances, and where they existed at the time of the passing of this Act they would continue to exist, unless with their own consent abolished.

2215. Did some doubt arise as to whether those highway boards could levy a highway rate in the old way?—The provision of the Act of 1862 was subsequently altered, and a new provision was made in the Highway Act of 1864.

2216. Will you state to the Committee the difficulty that existed about the rating in 1862; was this the difficulty, that it was doubtful whether the rating powers of the Act of 1835 would apply to the new board, or whether they were confined to the levying of the sum required by precepts upon the overseers?—As far as I remember at the moment, that was the difficulty.

2217. Under the new series of Highway Acts, has the effect been that the highway rate is not levied separately under these highway boards as it was before, but it is paid out of the poor rate?—It is paid out of the poor rate, generally speaking; in fact, with two exceptions; in one case, if the highway parish is not conterminus with the poor law parish, then the precept is to be sent to the waywarden, who makes a separate rate in the highway parish—in the other case, where the highway rate was formerly levied upon a particular class of property—that is, woods and mines, or quarries, under the Highway Act of 1835—then that is to be continued, and the precept is to be sent to the waywarden, although the highway parish and the poor law parish may be conterminus.

2218. Those are exceptions, but the great bulk is raised now by precept, through the board of guardians or the overseers?—Yes; a very large proportion, no doubt, is so.

2219. Are you aware that in the Poor Law Returns every year there has been, since the introduction of those Acts, an item beginning at about half a million, and now considerably beyond that, stating the payments to the highway boards out of the poor rate?—Yes; to the highway boards out of the poor rate levied by the overseers.

2220. Those represent sums, do they not, which were formerly paid out of the highway rate?—Yes.

2221. Formerly there was a separate rate levied as highway rate, but since this Act was passed that large sum has been put upon the poor rate, which is nominally increased by that amount?—Yes; but which has been decided by the Court of Queen's Bench to be still really a highway rate.

2222. It is so far really a highway rate, that in a case where any owner is exempt from the highway rate, when the amount is paid out of the poor rate, an allowance is made to him in respect of that portion of the poor rate which goes to the highway board?—That was the decision of the Court of Queen's Bench in the case of the Queen *v.* Heath, in which the question came before them upon a claim of exemption.

2223. The state of the law is this, is it not, that although, generally speaking, the highway rate covers the same ground as the poor rate, there is certain property which is exempt from poor rate which is liable to highway rate, and certain property which is exempt from highway rate which is liable to poor rate?—Quite so, in both ways.

2224. Are you aware of any audit which is applied to those funds after they have been paid over from the poor rate to the district board?—That is not a matter which has come within my cognizance at all. Of course, the payments by the overseers are audited by the poor law auditors.

2225. Mr. *Gregory.*] That South Wales Act that you spoke of was more for the satisfaction of the lady called Rebecca, was it not?—It was in consequence of the Rebecca Riots.

2226. And it only embraced certain portions of South Wales?—It embraced the whole of the six counties of South Wales.

2227. Do I understand you that there was a subsequent Act passed amending that one?—There was.

2228. Was it under that subsequent Act that the turnpike roads were thrown into the highway districts?—No, that was under the first Act. The first Act was passed, and the county roads board was established, in order to settle the question of turnpikes, and they were to get rid of it.

2229. By that Act you say that the turnpike roads were thrown upon the county roads board; what arrangement was made to provide for the debt and repairs?—The tolls were to be continued to be levied as fixed by the Act.

2230. Were the tolls to be taken at the turnpikes?—They still continued, I believe; I am not aware that there were any abolished.

2231. As I understand, the object of the Act was to get rid of turnpikes?—No; I do not know that it was to get rid of them; it was to place them under the management of the county roads board.

2232. Did it lower the tolls?—Yes, it lowered the tolls.

2233. I presume there was a certain amount of liability that was covered by the toll previously, which was thrown upon the highway boards?—I really do not know what the practical working was, but I presume it was so; it was done for that purpose.

2234. The Highway Act of England makes no provision for turnpike roads, does it, especially?—There is an Act which provides for assistance to turnpikes under certain circumstances.

2235. But not the Highway Act of 1862 that you were speaking of?—No.

2236. Mr. *Birley.*] Is the assessment for highway rates uniform throughout those six counties of South Wales?—It is, according to law; that is to say, it is so far uniform that the old law is reserved as to the particular classes of property; woods, mines, and other property which was formerly rated to the highway rate, is still rated in those parishes in which it was so rated.

2237. Did the Act of 1844, after the Rebecca Riots, deal with the basis of assessment at all?—It

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It was to be collected like a county rate, but the occupier was to deduct it from his rent, and the owner was to pay it.

2238. Then the highway rate assesses mines and minerals, which in the poor law assessment are excluded, except coal mines and quarries?—In certain cases it does. It is only in those cases, *i.e.*, in those particular parishes in which those properties, mines and woods, were by custom assessed to the highway rate previously to the passing of the Act of 1835. It is not uniform to that extent; for where mines and woods had been rated prior to the Act of 1835, they continued to be rated, and they still continue to be rated to the highway rate under the general law; but to what extent that prevails I do not know as a matter of fact.

2239. Mr. *St. Aubyn.*] Does the remark of the honourable Member apply to the dues of mines which are now rated in certain cases, as well as to the mines themselves?—I am not aware that the decision on that point as to the poor rate was ever extended to the highway rate by any decision of the courts; but in so far as the highway rate follows the poor rate, of course the same rule would apply, and the occupier of land in the shape of reserved ore would be rated to the highway rate in the same way as to the poor rate.

2240. That is, provided he had been liable before the Act?—No, the two things are quite distinct, as I understand. The rating of the occupier of the land in the shape of ore, to the poor rate, would extend to the highway rate, in so far as the highway rate is assessed in the same manner as the poor rate; but in addition to that, prior to the passing of the Act of 1835, occupiers of woods and mines generally were rated to the highway rate by custom in particular parishes; and in those particular parishes the custom was preserved and, in fact, enacted by law; but that would be a different thing from the rating of the occupier of the land in the shape of ore.

2241. Therefore, it depends upon what the custom was before the Act, whether such mines are now rated to the highway rate or not?—Quite so. There is an express decision of the Court of Queen's Bench that it does not go beyond that. The Act of 1835 did not have the effect of rendering woods and mines rateable generally to the highway rate; but it only continued the custom in the particular parishes in which it had previously existed.

2242. Can you state what case that was?—It is Regina *v.* Rose, in 13 Law Journal, which was decided shortly after the passing of the Act of 1835. The words "usually rated" have been held by the courts to refer to such woods, &c. as had usually been rated, in point of fact, in the particular parish in which the rate is made; not to such as were generally rateable before the passing of the Act.

2243. Mr. *Corrance.*] You observe that the turnpike toll had become more distinctly a tax upon the person; it being a tax upon the person under the original Act only to a limited extent; do you see any reason why it should be a tax upon the person as well as upon the property?—The turnpike toll is a tax upon the person who uses the road; but it is not a personal tax, it is a payment for service rendered.

2244. Then do you recognise this principle, that use should determine the tax?—No; I did not say I thought so; it is so, as a matter of fact, in the case of the turnpikes; but whether it should be so is another question.

2245. You adopt the principle that those who use the roads should pay for them?—I think that the turnpike toll is the most equitable tax that you can possibly levy; but at the same time it is a most impracticable one. It is one that never has been levied without dissatisfaction.

2246. Are you aware that the highway rate, on its present basis, falls upon quite the poorer class of householders?—It falls, in common, upon the poor and the rich.

2247. It falls distinctly upon the poorest class of householders, does it not?—It falls upon them, in common with the other part of the community.

2248. And they do not use the roads, or to a very limited extent, with their donkey carts at most?—No doubt a costermonger's cart would not cut up a road so much as a carriage.

2249. In its present form, falling as it does, do you consider that it falls upon town and country in equal proportions?—That is not a question which I have at all examined, whether it is in equal proportions.

2250. Does the occupier of a house pay so much upon his income as the occupier of landed property?—That depends entirely upon what his income is, or rather what the two incomes are; income is not at all in the ratio of the house that a man occupies.

2251. Are you aware that under the original Act even now, for there has been no Act exempting it, stock-in-trade in towns is distinctly liable for highway rate?—I fancy that is the law; but it has never been so decided.

2252. In 1844, when the Act of exemption was passed, it did not exempt highways?—I fancy that in law it would be held so; but the question has never yet been raised.

2253. Are you also aware that that assessment has never been enforced in practice?—On personal property as far as regards highways: I am not sure that it has never been enforced anywhere in practice. There are places in which personal property is still rated to the poor rate under local Acts; and it may be in those places that it is rated equally to the highways. Most likely it is, I should think.

2254. Do you know what class of labourers are generally employed by highway boards where boards exist?—No, I have no official experience, and no practical knowledge of the administration of the highways; my knowledge is entirely confined to rates, assessment, and so on.

2255. If you wished to classify the highway rate, and you recognised any distinct classification between poor rate and county rate, in which series would you make it fall; would you levy it with the county rate, or with the poor rate?—In 1846 I reckoned it with the poor rate, but at the present time I think it would be more properly classed under the aggregate districts, as far as the new highway rate is concerned, because it is levied for a district, and contributed by the several parishes or places in that district.

2256. You prefer that to placing the county rate in the poor rate series?—Yes; since 1846 the law has been altogether altered with regard to these rates; and the classification, which I then made, is really not so applicable now as it was then, the modification of the law having put it to some extent upon a different principle. The poor rate itself has come to be very much a rate for an aggregate district virtually, because it is raised for a union in which the whole expenditure

ture is in common, and it is contributed by the several parishes. It is, therefore, quite analagous to the mode in which the county rate is levied, and in the highway districts the highway rate seems to me to rest upon the same footing, being contributed by the several units, the different parishes or places, as a common fund out of which the expenditure is to be paid.

2257. Do you know whether the expenses have generally increased in those districts which are under highway boards?—I am not able to make a comparison between the area which is within the districts and the rest of the country; but as far as I can judge from the statistics which I prepared in 1846, there does not seem to be any very material increase.

2258. Does not a good deal depend upon the surveyor?—I dare say it does in particular districts; but looking at the country as a whole, the amount of the highway rate in 1846 was not much less than it is now.

2259. New brooms, as we know, sweep clean; but the board gets slack; do not you think that the surveyor will get almost absolute power?—I think it is very likely, but I have no personal knowledge.

2260. Does not it usually happen that a well-informed official can influence his ostensible employer?—No doubt.

2261. Mr. *Walter.*] You stated, in answer to the honourable Member for East Suffolk, that you considered the system of turnpikes particularly equitable; may I ask upon what grounds you form that opinion?—It appears to me that nothing could be more equitable than that the persons who use the road should pay for the use of it; provided, of course, that the tolls are assessed upon an equitable basis.

2262. Can you state what class of persons use the roads?—Both those who ride on horses and those who drive in carriages, and also those who use them for traffic and goods.

2263. Then it is not in your knowledge that the persons who walk on foot ever use the roads?—I should not think that they do much damage to what is called the carriage road.

2264. Is it then simply upon the question of damage that you consider a tax on roads justifiable, and not on the use?—Yes, the damage done by the use. The toll, as I apprehend, is levied for the purpose of repairing the road, and the repair is rendered necessary by the use.

2265. Does not the weather affect the road as well as use; do not rain, snow, and other causes of that kind affect the roads?—No doubt.

2266. Then it is possible that the persons who walk, and neither ride nor drive, may derive considerable benefit from the use of the roads as well as those who ride and drive?—If that could be shown it would be a ground, no doubt, for charging them a proportion of the toll.

2267. Do they pay anything under the turnpike system?—Not that I am aware of.

2268. Is it not the fact, that it is of more consequence to a pedestrian to have a good road under his feet than to a person who rides. May not a man ride along a green lane, even in wet weather, with much more comfort than a man can walk along a green lane in wet weather?—It is a matter of taste, to a certain extent.

2269. Is not a good footpath of some value to a person who uses it for walking?—Certainly.

2270. As far, then, as a hard road is better than a soft and muddy one for a pedestrian, so far he derives use from that road, and ought to be liable to contribute towards its repair, ought he not?—That would be a very good ground for imposing upon him a portion of the toll.

2271. Under the turnpike system he contributes nothing?—I believe not.

2272. Is not that class by far the larger class of the community that uses the roads?—I should think that they are not the class that do the greatest damage to a road, although they may be the largest in point of numbers that use the road.

2273. Under the system of the highway rate, is it not likely that some proportion of the class of persons who walk, but do not use the roads for riding or driving, will contribute something towards their repairs?—I think it is very likely that, under the highway rate, a great many people would contribute who never use the road at all, and, therefore, I think it is by no means so equitable.

2274. Sir *Hedworth Williamson.*] In some parts of England is it not the township and not the parish that elect the way-wardens?—Yes, those are highway parishes; but that has to be fixed by the justices. They have to determine what places are to be included within the district.

2275. Mr. *St. Aubyn.*] Are you aware of any instances in which the highway rate has been levied on stock-in-trade in towns?—I am not aware of any instance in which the highway rate separately has been so levied; but there are still existing places in which, under Local Acts, personal property is rateable to the poor rates, stock-in-trade and shipping, and property of that kind, and I should apprehend that in those places it would be equally rateable and actually rated to the highway rate. If it is rated to the poor rate I should think it is rated to the highway rate, as a matter of course.

2276. But you cannot mention any specific instance?—I cannot mention any instance in which I know as a fact that it is rated to the highway rate. I merely infer from the fact of its being rated to the poor rate, that it would be also rated to the highway rate, but I do not know that it is so positively.

2277. Mr. *Walter.*] Where are those places?—Sunderland is one, and I believe there are some others; but it is done under local Acts.

2278. Mr. *Birley.*] Do you know how they carry it out; how they get at the rating?—I do not know exactly how they get at it. I think it is probably a compromise,—very much like the case of coal mines.

2279. Mr. *George Gregory.*] Did I rightly understand you to say that the theory of the turnpikes is, that those who have the benefit of the roads should pay for them?—Yes.

2280. Do not the whole community have the benefit of the turnpike roads?—Only those who use them.

2281. *Chairman.*] Will you enumerate once more all the various sewers rates that are levied. There are two classes of sewers rates, are there not; those that touch the sewering of land, and those that touch the sewering of houses?—Yes. They are distinct from each other, and the legislation with regard to them is also quite distinct.

2282. As regards the sewering of lands, there are two chief Acts, are there not, which deal with that subject?—Yes.

2283. There is the old Act of Henry the Eighth, which is still in force, is it not?—Yes; but at the same time, I should say, with regard

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to that, that in the Drainage of Land Act of 1861, all the then existing commissions of sewers were rendered permanent, and no new commissions have been issued since that time, except in some rare instances.

2284. What is the name of the rate that is levied under the Act of Henry the Eighth?—The sewers rate.

2285. That is administered by the Commissioners of Sewers, who are practically irresponsible, are they not?—Quite irresponsible, I should say; they render account to nobody, and they are not liable to any proceedings whatever.

2286. By whom are they appointed?—They are appointed by a commission in which either the Lord Chancellor and the two chief justices must concur, or the Lord Chancellor, one of the chief justices, and the Lord High Treasurer, who is represented by the Treasury now.

2287. Are they paid for their services, or are they honorary?—I think they are not paid, but I am not sure. I cannot tell whether they pay themselves.

2288. Are their accounts audited as far as you are aware?—No.

2289. They levy rates without being responsible to the ratepayers or to anyone?—Just so.

2290. In the Local Taxation Returns some of their accounts are published, are they not?—Yes, but those are obtained direct from the commissioners in each case by application from the Home Office.

2291. Are the proceeds of the rates that are levied chiefly used in paying off debt, or are they applied to the current expenditure?—The current expenditure is provided for by a separate tax, called the general sewers tax, which I referred to on my previous examination; that is for the annual ordinary contingent expenses.

2292. There is one Act under which they levy the sewers rate for permanent works, and there is another Act, is there not, under which they levy the rate for current expenses?—Yes.

2293. So far as you know, there is no Government department that overhauls them in any way?—Not at all, I believe. I am not aware of any public functionary or public department which has any knowledge of the proceedings of the commissioners or to whom they make any report in any way.

2294. There are no more of those commissioners appointed, are there?—I have been informed that there have been only one or two appointed since the Drainage Act of 1861, which rendered all existing commissions permanent, and I suppose that at that time the greater part of the country had been provided with commissions since the time of Henry the Eighth. The commissions formerly were granted for 10 years, and were renewed at the end of that time.

2295. Do you know when any commissioner dies how his successor is appointed?—He is appointed in the same way by the Lord Chancellor, and so on.

2296. And they continue to be appointed?—Yes, the vacancies are filled up.

2297. You mean that the commissions are made permanent, but any vacancies are filled up?—Yes, the vacancies are filled up upon the recommendation of the Home Office.

2298. I presume that the only information as to those commissions is to be gained at the Crown Office?—Yes, that is so.

2299. But you are not aware that they are responsible to the Home Secretary in any way?—I believe not in any way whatever, so for as I know.

2300. Their duties are sometimes connected with the drainage of land, and sometimes with protection against the sea?—Yes, their duties are really to guard against the inroads of the sea and inundations of all kinds, from fresh water as well as the sea, and also to provide for the drainage of land, and especially of marsh lands. But, as I understand the Act of Henry the Eighth, the object was public drainage, and the protection of lands generally from inundations of all sorts, and not private drainage for the benefit of individual estates.

2301. Do you know whether the rates which they levy are called in the Local Taxation Returns, rates levied for drainage, embankment, &c.?—I think in that Return which you have before you, there are two columns, one for the sewers rates, and the other for drainage and embankment rates, and they are put together into one column in the summary; but I think they were intended to refer to different bodies. The sewers rate was a rate levied by the Sewers Commissioners, but the drainage and embankment rates were rates levied under local Acts.

2302. There are rates under Act of Parliament, and there are rates by charter, usage, and custom; the rates under Act of Parliament would be mostly those of Commissioners of Sewers, would they not?—Yes, I should fancy so.

2303. Are you aware that the rates levied for drainage and embankment purposes, according to the Local Taxation Returns for 1867, amount to about 161,000 *l.* as far as they are returned, exclusive, of course, of the drainage and embankment rates in the Metropolis?—Yes

2304. Having dealt with the sewers rate and the general sewers tax, what others are there under the head of the sewering of lands?—There is the Land Drainage Act of 1861.

2305. Which is a special rate, is it not?—In the Land Drainage Act of 1861, there are provisions for assessing a special rate upon the owner; at least not assessing it upon the owner, but rendering him liable to pay it.

2306. That Drainage of Land Act was a consolidation, was it not, to a certain extent, of a number of private Acts, and regulating private Acts?—No, it was a continuation of the Sewers Commissions; it was the Act which provided that the existing Commissions of Sewers should be permanent; and then it gave them those larger powers for the drainage of land at the instance of the Enclosure Commissioners.

2307. There is a drainage and enclosure rate; under what Act is that levied?—I should say that although the drainage and enclosure rate appears in this series (in my work of 1846), as a separate rate, it was not exactly so. There was a special Act of Parliament providing for the recovery of drainage and enclosure rates, which were themselves leviable under local Acts, for the enclosure, drainage, and improvement of divers lands, commons, and waste grounds, wherein Commissioners were empowered to set out and make private roads and drains, banks, bridges, sluices, and other works.

2308. The drainage and enclosure rate really was to regulate a number of rates that were levied under local Acts?—Yes, and to enable them to be levied and to give power to enforce them.

2309. Those rates are probably accounted for and levied in various ways, to which it would be

be difficult to apply any general rule?—Yes, if they came under any head in the Local Taxation Return at all, they would come under the drainage and embankment rates, I have no doubt.

2310. What is the inclosure rate as differing from the drainage and inclosure rate?—It is quite a distinct rate; the inclosure rate was a rate to defray the expense where inclosures were effected under the provisions of the General Inclosure Act, the Act for the inclosure and improvement of commons and lands. This rate was to pay for the expenses of the inclosure.

2311. Do you know how that rate is accounted for?—My remark, in the work I have alluded to, is, that the statute seems to be silent upon the subject as regards accounts.

2312. Are there any other rates connected with this branch of the sewers that you have to say anything about?—I think not; the regulated pasture rate is not connected with sewers at all; it is under the Inclosurse Act, but it is a small affair, and I do not know that it is ever levied.

2313. Do you know anything of the sea beach rate collected from the tenants, but paid by the owners, which was mentioned by Mr. Read as existing in Norfolk; that would be a kind of embankment rate, I presume?—I cannot say that it has ever come across my knowledge; I should think it must be either under a local custom or a local Act; it is, probably, one of those levied by charter, usage, or local custom, and, no doubt, there are many of that sort.

2314. There is no Government department that you know of that has brought in those Acts who could give information upon this subject?—None that I know of.

2315. What are the rates levied in respect of the sewering of houses?—Perhaps the most general statement would refer to the sewer authorities, which have been established under the Sewage Utilisation Act of 1865, extended by a subsequent Act. It is provided that the sewer authority in boroughs shall be the town council; and in a district under an Improvement Act, the Improvement Commissioners; and, elsewhere, the parish vestry; and in a subsequent Act, the districts under local boards of health are also brought under the same provisions. The local board had, under the Local Government Act, power to act to a certain extent; but by a subsequent Act they are brought under the provisions of the Sewage Utilisation Act of 1865, so that they can act in the same manner as town councils in boroughs with regard to the distribution of sewage.

2316. Is there anything that you have to say about the sewage utilisation rate?—Yes; that rate is levied like the poor rate, but the scale of contribution is to be the same as that of the general district rate, making a difference between houses, which are to pay the full amount, and tithes, arable lands, railways, canals, and so on, which are to pay one-fourth.

2317. Under the Sewer Authorities Act, is the rate for sewering houses levied separately or not?—It is to be levied as a separate rate, and not paid out of the poor rate, because there is a different scale of contribution.

2318. Except in the metropolis, I think you have stated the whole of the chief Acts regulating sewers rates?—Yes, except that there is one point, which I think I should mention, that under the Nuisances Removal Act, the guardians of a union have the power of making a sewer under certain circumstances: if they find that an old sewer wants reconstructing, they can, under the special provisions of the Nuisances Removal Act, proceed to do the work.

2319. That is practically where there is no other authority; no town council, and no local board?—Yes; in the absence of any of the other authorities specified in the Nuisances Removal Act, the guardians of the union act as the nuisance authority; and where they do so act as the nuisance authority, they have the power of making sewers in certain cases.

2320. Do they pay for the work out of the poor rate?—No; that is a defect of the Act; they can only make an assessment upon the property.

2321. Do you mean upon the owner?—The Act does not say so; the Act says that the assessment shall be made upon the premises; it does not mention either owner or occupier, or anybody else.

2322. It is upon the premises from which they remove the nuisance practically?—The premises which have the benefit of the sewer.

2323. Does your experience at the Poor Law Board enable you to say that the working of this Act has been attended with very great difficulty?—Yes; owing to the fact that it does not provide any resources out of which the guardians can pay for the work in the first instance; they are not authorised to pay for it out of the poor rate, and they have no other funds at their command.

2324. Mr. *Pell.*] With regard to the sewage rate, as applied by the guardians, they have the power, have they not, to levy it over naked land if the parish consent to it, upon a different scale to that on houses in the parish under the Act of 1865?—As I understand, it applies to the whole parish.

2325. But upon a different scale upon naked land to house property?—There are only two scales, arable land, meadow land, pasture ground, canals, railways, and tithes on one side, and houses on the other side.

2326. Mr. *Gregory.*] Is there much of the country, to your knowledge, under that Act of Henry the Eighth, the old Sewer Act?—I believe there is a very considerable portion of it. I have never seen any specific return on the subject; but I should judge so from the Local Taxation Returns.

2327. Are such districts as Romney and Pevensey Marsh under that Act, or under a local Act?—I should suppose that they are under the Act of Henry the Eighth. In that Act Romney is particularly mentioned by name. It says that the customs of Romney Marsh are to be applied to the rest of the country.

2328. Are the Essex Marshes under that Act?—Yes, they are; all those commissions are still in force, and they are the most despotic authority in the country.

2329. They levy scots as they commonly call it, do they not?—Yes.

2330. Mr. *St. Aubyn.*] With regard to those commissioners under the Act of Henry the Eighth, is there much labour attached to the office; is it an office which entails much work?—I can only judge from the nature of the duty that they have to do; I should think some must do the work, and I suppose they appoint a surveyor.

2331. What is the inducement to any gentleman to accept the office, because they are not paid as you tell us?—I do not know whether there is any personal inducement; they have very extensive powers, and of course it is very important

Mr *D. P. Fry.*

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portant to their property, at least large landowners might find it very important.

2332. Do they receive fees at all?—I do not know whether they do individually.

2333. Is their number limited?—Not by the Act; it is in the discretion of the Crown.

2334. Then it is the fact, is it not, that persons wishing to protect their own property may apply to become commissioners of sewers under the Act?—Yes, no doubt.

2335. Is that frequently done?—I do not know how that is done; it has not come within my cognisance at all. I think that the gentleman in the Crown Office who has the management of it, would be able to give the Committee much more information upon it than I can do.

2336. Sir *Hedworth Williamson.*] In the area of the Commission of Sewers authority, would the Crown or the Admiralty, or the Woods and Forests, claim jurisdiction?—The Commissioners of Sewers have jurisdiction over the property of the Crown; it is expressly included in the Act; the Crown contributes to the rate; and there is express provision to that effect.

Mr. John Lambert, called in; and further Examined.

Mr. *J. Lambert.*

2337. *Chairman.*] The Committee would be glad if you could give them some information upon the law in Scotland; you are acquainted, are you not, with the law regulating rating in Scotland?—Yes, I have made inquiry upon the subject upon several occasions.

2338. Will you state what the original law was in 1845?—Under the Scotch Poor Law Act which was passed in 1845, the 8 & 9 Vict. c. 83, the parochial boards are enabled to raise the necessary funds for the relief of the poor.

2339. What latitude have they as regards the mode of raising those funds?—The Act gives them the power to raise the money in three different ways. First of all they may resolve that half the rate be imposed on the owners, and half on the occupiers of all lands and heritages. The second mode enables them to assess half on the owners according to the value of their lands, and half on the whole of the inhabitants according to their means and substance, other than lands and tenements; or, thirdly, they may raise the money by assessment as an equal per-centage upon the annual value of all lands and heritages, and upon the estimated annual income of the whole of the inhabitants from means and substance other than lands and heritages.

2340. Is that Act still in force?—That Act is still in force; but, practically speaking, the assessment now is always raised by assessing half the rate upon the owners, and the other half upon the occupiers.

2341. The two other alternatives of raising it are not acted upon: I mean either by raising it on the whole of the inhabitants according to their means and substance, or raising it upon the estimated annual income of the whole of the inhabitants from means and substance other than lands and heritages?—They are not acted upon at the present time. I am speaking generally, and I say that the general mode in which the rate is raised now, is by assessing one-half on the owners of lands and heritages, and the other half on the occupiers of lands and heritages.

2342. Will you state how the parochial boards are made up; they are made up of the poorrate-payers?—The parochial boards are constituted in two different ways. In what are called burghal parishes, that is to say, parishes within the Royal burghs, the managers are elected by the owners and by the occupiers; and in parishes which are non-burghal the board is constituted, first of all, of the owners of lands and heritages of the yearly value of 20 *l.* and upwards, or of any agent or mandatory appointed in writing by an heritor who is entitled to be a member of the board; secondly, of the provost and bailies of any Royal burgh, if any, in the parish, and who are assessed for the poor; thirdly, of the members of the kirk session of the parish, and if the kirk session consists of more than six, six members must be nominated from among their own number, no elder being entitled to act who is not assessed; and, fourthly, of certain members to be elected by the ratepayers who are not otherwise entitled to act. I should add that, as to those members who are elected by the ratepayers, the owners of land under 20 *l.* have a right to participate in their election. It will thus be seen that the owners of all property above 20 *l.* are in virtue of being owners; whilst those owners who possess property of less value than 20 *l.* have merely a right to vote with the ratepayers for the elected members of the board.

2343. When a parish is partly in and partly out of a borough, are you aware of what is done?—I am not aware of the provisions in such a case; I am not aware of any instance of that kind.

2344. When half the assessment is put upon the owners, and the other half upon the occupiers, may the collector levy the whole from the occupier, who again may deduct the owner's half from the rent?—Yes, it is provided by sect. 43 of the Act, "that where the one-half of any assessment is imposed on the owners, and the other half on the tenants or occupants of lands and heritages, it shall be competent for the collector of such assessment to levy the whole thereof from the tenants or occupants, who shall be entitled to recover one-half thereof from the owners, or to retain the same out of their rents on production of a receipt granted by the collector of such assessment."

2345. We have had evidence from a gentleman from Aberdeen, but your statement is as to the general law, and not as to any local law?—Of the general law. It is precisely what the collectors are empowered to do if they think proper to avail themselves of that provision.

2346. The county rate is raised by the Commissioners of Supply in counties, is it not?—It is.

2347. How is it levied as regards owners and occupiers?—At the present time the county rate, by virtue of the 31st and 32nd of Victoria, c. 82, is levied from the owners. By section 4 of that Act it is provided that, "It shall be lawful for the Commissioners of Supply of every county in Scotland once in each year to impose an assessment for the purposes of this Act, to be called the county general assessment, upon all lands and heritages within such county, according to the yearly value thereof, as established by the valuation roll for the year (commencing at Whit Sunday) in which such assessment is imposed, subject to the provision in the 6th section hereof, and that at such rate in each year as the said commissioners

commissioners shall deem necessary in order to provide sufficient funds for all the purposes of this Act, including such sum as may be requisite to cover the expenses of assessment, collection, and management, and any arrears of preceding years; and the said assessment so laid on in each year shall be payable as for the period from Whit Sunday then last to Whit Sunday then next, and shall be due at such date as the commissioners shall determine, and may be levied either on the proprietor or tenant of all such lands and heritages; but such tenant, in case of his paying such assessment, shall be entitled to deduct the amount from the rent payable by him, unless under existing special agreement with the landlord to the contrary."

2348. Then, except by special agreement, the whole rate is put upon the owner, either directly or by deduction from the rent?—It is so by the provisions of this Act.

2349. Do you happen to know how it was before that Act was passed?—No, I am not certain what the state of the law was before. I know that the owner was liable for some portion. I am not sure whether it was the half or the whole.

2350. Have you got the 17th & 18th Vict. c. 91 before you?—No, I have not; I have merely an extract from the Act.

2351. Does that Act of 1854 deal with county rate?—It only deals with the county rate as far as it provides that the county rate shall be levied upon the basis of the valuation made under the Scotch Valuation Act.

2352. Can you state when the practice of rating means and substance ceased?—No, I cannot. Great difficulties were experienced in rating inhabitants upon means and substance, and a great many disputes arose. I am aware of that, but I am not certain as to the time when the practice was discontinued. I believe the late Lord Campbell had a residence in Scotland, and when he went down on one occasion they assessed him upon his salary as Lord Chancellor, as forming a part of his means and substance.

2353. Can you tell us how the commissioners of supply are appointed?—All the proprietors who own a life rent in lands, or who have a life rent in lands of the yearly value of 100 *l.*, or who are owners in fee to that value, also the eldest son and the heir apparent of the proprietor in fee of rents to the amount of 400 *l.*, and the factor of any proprietor in fee in the absence of the proprietor who posesses lands of the yearly value of 800 *l.*; these constitute the commissioners of supply for the county.

2354. Are you aware of any other rates in Scotland besides the county rate and the poor rate?—I have not inquired into any other rate except the county rate and the poor rate.

2355. You are not aware of the borough rates?—I know that there are borough rates, or what would be equivalent to borough rates, but I am not aware of the amount.

2356. You are aware probably that there have been no local taxation returns from Scotland which bring together the total expenditure, such as exist in England and Ireland?—I have not seen any.

2357. Have you anything to add to what you have told the Committee as regards the deductions from the owners in Scotland and the rating of the owners; would you give a definition of the owner?—Yes. By the Poor Law Act of 1845 the word owner "shall apply to life renters as well as fiars and tutors, curators, commissioners, trustees, adjudgers, wad setters, or other persons who shall be in the actual receipt of the rents and profits of lands and heritages. All these come under the designation of owner, according to that definition.

2358. Are you aware of the difficulties which have arisen from this system of the collector rating the owner in Scotland?—No; I never heard of any.

2359. Are you aware that there is not that multiplicity of rates in Scotland that we have here, which renders our administration so difficult?—Yes; no doubt there are fewer rates in Scotland.

2360. Are you aware whether the highway rate is ever a separate rate in Scotland, or whether there is anything analogous in it?—I am not able to speak as to the highway rate.

2361. Colonel *Brise.*] Who makes the assessment in Scotland?—The assessment is made by an assessor appointed by the commissioners of supply, but they can employ an Inland Revenue officer for that purpose, and if they do so, then the valuation which they make is conclusive for the purposes of income tax, as well as for the purposes of the local rates.

2362. How often is that made?—Every year.

2363. *Chairman.*] In Scotland there is the system of a special Government officer, who assesses property for local purposes, to a certain extent?—Certainly. Generally speaking, in practice they avail themselves, particularly in towns, of the services of the Government surveyor.

2364. Mr. *Corrance.*] It comes to this, that the incidence of local taxation is determined by the action of the local body?—Yes, as regards the three modes in which the poor rate may be charged.

2365. I see that those three are absolutely different; in some cases the rate is charged upon income, in others upon the inhabitants, according to their means, and in the third case upon their property?—Yes; but I say that practically now it is only charged upon property.

2366. But the way was open to local boards to determine the incidence of their own taxation?—Yes, certainly it was.

2367. Do you approve of that?—I think it is better that a general rule should be laid down.

2368. I suppose each rate would be determined by the majority of the interests represented?—Yes.

2369. Might not that lead to very great injustice locally; where there was a preponderance of farmers, is it not likely that they would lay a larger burthen upon all the other classes, and *vice versâ*?—I have no doubt that they would if they could.

2370. Does the school rate come out of this general rate now?—I do not know how the school rate is apportioned.

2371. You are aware that it fell originally upon the heritors that were concerned?—Yes, I believe it did.

2372. Has there been any change in that?—I am not certain.

Friday, 1st April 1870.

MEMBERS PRESENT:

Mr. Acland.	Sir James Lawrence.
Mr. Ayrton.	Mr. Pell.
Mr. Backhouse.	Mr. Rathbone.
Colonel Brise.	Mr. St. Aubyn.
Mr. Corrance.	Mr. Charles Seely, jun.
Mr. Fielden.	Mr. William Henry Smith.
Mr. Goschen.	Mr. Walter.
Mr. Hunt.	Sir Hedworth Williamson.

THE RIGHT HONOURABLE GEORGE JOACHIM GOSCHEN, IN THE CHAIR.

Mr. HENRY GENGE ANDREWS, called in; and Examined.

Mr. *H. G. Andrews.*

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2373. *Chairman.*] ARE you an owner of land in Somersetshire?—I am.

2374. Do you farm your own land?—I do.

2375. Have you given some attention to the subject of rating?—I have.

2375*. Can you state to the Committee whether there has been any considerable increase in the rates in the county of Somersetshire?—I cannot speak as to the general increase; I can speak of a particular increase in my own parish.

2376. Will you state the parish and the union in which your property is situated?—The parish of Rimpton, in the Sherborne union.

2377. Is there any considerable increase in the rates upon your land, and the land in your neighbourhood now, as compared with 20 or 30 years ago?—Certainly.

2378. What is the aggregate rate that falls upon land in your union?—I think it is about 2 *s.* 6 *d.* or 2 *s.* 8 *d.*

2379. What would you consider to have been the rate, say 20 or 30 years ago?—I came into the parish in which I live about 30 years ago, and I think the increase has been altogether something like 100 per cent.

2380. Mr. *Hunt.*] Were the rates then as low as 1 *s.* 3 *d.*?—I mean that the additions to the rate, and the increase on the rate, have something like doubled it during the last 32 years.

2381. *Chairman.*] With regard to the question put by the Right honourable Member, do you think that the rates 30 years ago were only 1 *s.* 3 *d.* or 1 *s.* 6 *d.* in the pound?—I cannot tell you the rate in the pound; I am only referring to the amount levied on the parish.

2382. But do you mean to say that there has been an increase in the value of property, and that the increase in the value of property, and the increase in the rate together, have really augmented the rate?—I am a letter of land myself to a certain extent, and I am not aware of an increase in the value of land in my parish very materially.

2383. But you say that there is an increase in the rateable value of the parish?—By the Union Chargeability Act there is an increase, but not a very material one.

2384. The Union Chargeability Act did not affect the rating of the parish, did it?—Yes, it added something considerable to the general rate of the parish to make it equal with other parishes in the union, and it also increased it upon some particular properties.

2385. It did not increase the rateable value?—Yes, it did increase the rateable value.

2386. Will you explain to the Committee how it increased the rateable value?—By the addition, I think, of about 20 *l.* a year, to make it an equal union rate, and also by an increase on the actual value of property.

2387. By what was the increase in the actual value of property brought about?—By the re-assessment.

2388. But the re-assessment is under the Union Assessment Act?—Yes.

2389. Then it was not as you said, under the Union Chargeability Act?—I do not exactly remember the distinction.

2390. I am speaking now of the Assessment Act, which raised the assessment in many places that were under-assessed previously?—It was about the time of the Union Chargeability Act, I believe; but if you wish to make a distinction, it may be under the Union Assessment Act.

2391. Mr. *Hunt.*] What you mean is this, that under the Union Chargeability Act there is a greater burden upon your parish in the way of rating?—About 20 *l.*

2392. What we want to know is this, whether the assessment of your parish had been raised in the last 30 years?—It was raised when the Union Assessment Act was passed, but at no other time.

2393. *Chairman.*] And there has not been any considerable increase in the rateable value of your parish through the Union Assessment Act?—No very great increase; I mean increase in the net rate.

2394. Therefore the chief increase must have arisen from an increase on the rate in the pound that is levied?—Yes.

2395. And you are under the impression that 30 years ago it was something like 1 *s.* 6 *d.* or 1 *s.* 7 *d.*?—I cannot tell what it was in the pound; all

all I can say is, that the amount levied was then not more than half what it is now.

2396. Have you looked into that, or are you speaking from a general impression?—I am speaking from a general impression.

2397. Can you give the Committee your opinion as to whether that increase has been chiefly borne by the owner, or by the occupier?—By the occupier entirely.

2398. Whether there have been leases, or whether there have been no leases?—I am not aware of any leases existing in my parish.

2399. What has been the effect upon the rents; if it has been borne by the occupier, has he had any allowance in consequence from the owner?—Not that I have ever heard of.

2400. Whilst a further burden has been placed upon the occupier, he has continued to pay the same rent to the owner?—Yes, certainly.

2401. Have the rents risen, or have they remained pretty much the same?—My own impression is, that there may have been a slight advance, but it has been very little indeed.

2402. Do you think that the advance of rents would have been greater if there had been no increase in the rates?—No, I should not consider that there would have been any advance; it would not have been taken into consideration at all.

2403. You consider, as I understand from your evidence, that there has been at least an increase of 1 *s.* in the pound?—I consider, as I said before, that it has doubled the rate; I cannot say precisely what it was in the pound.

2404. If it is now 2 *s.* 8 *d.*, and if it was doubled, it would then be 1 *s.* 8 *d.*, but it would be safe to take 1 *s.*, upon your evidence?—Yes; only the increase which was made in the valuation of the parish under the Assessment Act, and the addition under the Union Chargeability Act, have altered the rate in the pound on the same area of land as a matter of course.

2405. What proportion do your rates bear to the rent?—I really cannot say; I do not know the rents of every ratepayer in the parish.

2406. In studying the rating question, you have not gone into it as regards your neighbourhood or the county of Somerset as to what burden the rates imposed, as compared with the rent, or as compared with the farming profits?—It is impossible that I can ascertain what the rent is; even if I did not farm my own land, I could not ascertain what the rents of the county of Somerset are.

2407. We have had many witnesses who have expressed different opinions upon the subject as to the amount that is generally borne by local taxation in proportion to what may be called the average rent, but you have not turned your attention to that part of the question?—I think it would be utterly impossible to arrive at any conclusion in such a county as Somerset as to what the rents are, or as to the proportion between rents and rates; I could ascertain the proportion without ascertaining the rent.

2408. Then I may take it that the evidence which is offered by farmers or owners to this Committee, complaining of the large proportion which is borne by rates to rents and to profits, really must not be considered as accurate, because it is impossible to ascertain what the rent is?—An individual may ascertain with reference to his own position, but I do not see how any individual could ascertain with any truth as to the extent of a county.

2409. Have you formed any general opinion as to the burden that is cast upon land by those rates or taxes, as compared with the farmers' profits?—A farmer's profits by the income tax are taken at half his rent; that is the only basis which we could assume.

2410. Do you consider that the rate in the pound, as affecting the farmers' profits, is a considerable burden?—Certainly. I can tell you my own case. Making up the balance sheet of my farming accounts, now within a few days, I pay an aggregate rate of 180 *l.* per annum, and my profits are about 65 *l.* for the year. A valuation of the whole of the stock on the farm is annually made.

2411. The gross amount of rate is 180 *l.*, and the net profits are 65 *l.*?—Yes, in the present year.

2412. What is the extent of your farm?—About 700 acres.

2413. Can you state what is the rateable value of your farm; how it is entered in the rate book?—I cannot precisely say how it is rated; that is the gross rate, but I pay about 180 *l.* a year, and the average rate is about 2 *s.* 6 *d.* in the pound.

2414. Mr. *Pell.*] Do you know what you are assessed at?—I cannot say off-hand.

2415. Do you never calculate the amount in the pound when the collector asks you for the rate?—I know that as a matter of fact. I do not go into it every year; having once ascertained that the matter is right, I take it as a matter of course. You can easily get at it if you divide it by 2 *s.* 6 *d.*, it would be about 2 *l.* an acre; it may be 1,400 *l.* or 1,500 *l.* a year probably. I am speaking of the net sum after deductions are made for repairs, which may be taken as the net rental.

2416. *Chairman.*] I understand that the proportions on your farm may be stated as follows: that the profit is 65 *l.* and the rate 180 *l.*?—Yes.

2417. Then even half the rate is more than the profits?—Certainly, that is clear.

2418. Would you give 65 *l.* as a fair average?—No.

2419. Do you mean that it is exceptional?—I am speaking of the present year.

2420. The Committee do not care to hear of any special year, but can you state to the Committee what the average profit is?—I can tell you what it was last year. I cannot give the amount of the average profits of my farm for 30 years, but I can recollect what it was last year. It was 550 *l.* last year.

2421. I gather from your evidence that you think it is difficult to convey to the Committee what might be considered the fair profits to which you would look over a series of years?—I should have no difficulty whatever if I could refer to my books; I could refer for the last 32 years, and could give it precisely.

2422. Supposing you were to let your farm, what would a tenant give?—About 40 *s.* an acre net, I should suppose, taking the whole.

2423. And he would be rated to the income tax upon 40 *s.* an acre, would he?—I am not precise as to its being rated at 1,400 *l.* a year; it may be 1,500 *l.*, but it is just thereabouts.

2424. The point which it would interest the Committee to know is this: what a tenant bidding for your land, or what you yourself would consider

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to be the average proportion of the 180 *l.* in rates to the profits upon the farm in one year, you have stated that, in one particular year, it was much more than the profits, and in another year it was much below it?—But the 550 *l.* would not be half 1,500 *l.*; it would still be below, and I may say safely that the average of 30 years has been considerably below what it is assessed to the income tax, which would be at half the rent under Schedule (B.), only I could not say with precision, because I should have to refer back to 32 years' accounts, and put them altogether and divide them by 32.

2425. But it is below the 700 *l.* which you would be assessed to the income tax?—Yes, with all the effort that I could use to make it myself, as a farmer, without any reference to housekeeping, or any account whatever mixing in with the farming account; I have taken stock every year.

2426. Do you think it would be fair to say over a course of 30 years that the rates represent 30 per cent., or one-third of the profits?—It would be quite that, I should think.

2427. Therefore it is a very important item in calculating the profits which you get from your farm?—Certainly.

2428. And still you hold that if you paid only 90 *l.* instead of 180 *l.*, you would not be able to get more rent from anyone bidding for the farm?—Certainly, I should; I should get 90 *l.* a year more; that is very clear.

2429. I understood you to say that the increase was borne by the occupier, but now you admit that it would be borne by the owner?—I have never intended to say that the increase would be borne by the occupier, except he was in a continued occupation; if a man goes and takes a fresh letting the owner naturally, if the tenant was relieved from the rate, would put on additional rent.

2430. It comes to this, that it is generally being borne by the occupier in those cases where the tenancy has been continuous, but in the new agreements which have been made during this time, have the owners taken less money in consequence?—I do not think that the matter has generally been taken into consideration; the competition for land is such that a great many men take a farm without reference to whether the poor rates have increased or not.

2431. Surely if the rates are such an important element as regards the profits, it is a matter that must be taken into consideration, though a man may nevertheless offer to pay a high rent; do you think if there were two farms in two adjoining parishes, the rates of the one being 1 *s.* 3 *d.*, and the other 2 *s.* 6 *d.*, the land being the same, there would not be a difference in the rent to correspond with that difference?—No doubt of it, if he was a calculating man.

2432. Is this a fair way to state your opinion, that the owner does not reduce the rent in consequence of the rise in the rates?—Certainly he does not; I believe this, that during the last 30 years, when the rate has nearly doubled, nearly the whole of the increase has been paid by the occupier.

2433. Because there has been no readjustment of the rent?—Exactly; rents are not readjusted very often. Farming is one of those fluctuating businesses that an owner does not readjust his rent very often, perhaps sometimes not even for one or more lives.

2434. If the rates had not risen, do you think that the rents would have risen more?—Certainly not, as a rule; there may be exceptional cases.

2435. Then you have this curious result, that though a farmer's profits must be enormously affected by a rise in the rates, which you have described as 100 per cent., nevertheless it has had little influence upon the rent?—Very little indeed.

2436. Mr. *Pell.*] But it has had a very large influence upon the profits, has it not?—It has diminished the profits in proportion, and many a man has gone down to ruin quietly, through the increased burthen of the poor rate.

2437. Sir *J. Lawrence.*] Though he is going to ruin, he does not ask his landlord to lessen the rent?—The increase of the rate has been slow and progressive from year to year, and additional charges have been put on; if he had had them put on at once at any time, he would have gone to the landlord and said, "I cannot pay it;" but the increase of the rate having gone on steadily, very little notice has been taken of it. I could give one instance in Dorsetshire; Mr. Sherridan voted for the Union Chargeability Act, and that put on 100 *l* a year to the rates upon one of his farms, but he did not make the slightest difference in the rent, and it therefore came out of the farmer's pocket.

2438. Mr. *Hunt.*] What was the rent of that farm?—I really do not know the rent; it was 100 *l.* a year added to the rent of the tenant, whatever the amount of the rent of the farm was.

2439. *Chairman.*] £. 100 a year was in addition to the actual amount of the rates?—Yes, he paid 100 *l.* a year more in consequence of that Act; Mr. Sherridan made no alteration whatever.

2440. You could not tell us whether it was so great as to seriously affect his profits, because that would depend upon the size of his farm?—You know what the amount of 100 *l.* a year would be to any man; I cannot tell you what percentage it was upon the farm profits, because I do not know the rent of the farm, and I do not know the acreage of the farm.

2441. If it were a 1,000 *l.* a year farm, it would be 10 *l.* per cent.; and if it were 500 *l.*, it would be 20 per cent.?—Yes.

2442. Mr. *Pell.*] Did he occupy the whole parish; was it a farm of that extent?—No, I think not.

2443. *Chairman.*] Do you know whether he left the farm in consequence?—Certainly not.

2444. Although it diminished his profits, his profits were so good before that it was still worth his while to continue the farm?—It is a very serious matter for a man to change a farm, and people would frequently rather pay 100 *l.* a year than remove at that time; he may move at a later time.

2445. Have the farmers' profits diminished generally in your neighbourhood?—No, I think not.

2446. I understood you to say that they were going to ruin in consequence of the higher rating?—No, I have not said so. I have said that many a man had gone down to ruin in consequence of the increased amount that he paid for poor rates out of his profits during the last 30 years.

2447. Have the farmers gone to ruin in your neighbourhood, or not?—Some have diminished their means, and others have not.

2448. Generally, have the farmers' profits increased at the same time whilst they have to pay heavier

heavier burdens?—I think not, judging from my own experience.

2449. Earlier in the century the owner was able to get the same rent, and the farmer had higher profits, but now the farmer has been obliged to part with a certain portion of his profits through the increase in the rates?—If you go back to the beginning of the century for 15 years to the close of the war, of course very large profits were made; then for 15 years after that, after the close of the war, I believe that more than one-half of the farming capital of the country was absorbed and lost.

2450. Partly in consequence of the enormous rates that were imposed upon it at that time?—No doubt; and partly in consequence of the change in the value of produce.

2451. Are you aware that, before the year 1834, the poor rates was enormously high over the greater portion of England, much higher than is the case now?—No, I am not aware of that; it was not so, I believe.

2452. Was not there more pauperism before the year 1834 than there is now?—I think not, as a rule.

2453. Mr. *Smith.*] The rate in the pound was much larger, was it not?—Yes. But the diminution of the rate in the pound, in proportion to the increase of pauperism, arises from the enormous increase of buildings, railways, and so on, which have been placed on the soil; the increase of building has kept down the average rate in the pound. That is a very different thing from the average amount levied, but I think that the amount levied under the poor rate assessment was at no period so high as it is now.

2454. *Chairman.*] Will you undertake to say that before the year 1834 the agricultural portion of England, where there were no buildings and no towns, and where there are no towns now, was not more highly rated than it is now?—Certainly not.

2455. Do you speak with confidence about that?—I do; that is my impression.

2456. Would you be surprised to hear that there were agricultural counties before 1834 where the rate in the pound was 4*s* and 5*s.*, and where now it is only 3*s.*?—No; and I am also aware that many parishes were rated at perhaps one-fourth of their value, so that the rate in the pound at that date is no criterion whatever as to the value of rateable property at that time.

2457. According to that you would hold that the agricultural land generally in England must have been doubled in assessment?—I am not speaking generally, but I know instances in my own knowledge where parishes were assessed at one-fourth of their value, and it made no difference to the ratepayers when it was a parochial rate whether the standard was taken at one-fourth or one-half, but that would give you no criterion whatever of the rateable value at that period.

2458. Would you be surprised to hear that the rateable value over the whole of the country, as regards the agricultural lands, had not increased more than 25 per cent.?—I should not be surprised at all, because the former rate was no criterion whatever of the value.

2459. Was it ever too high?—I should think not.

2460. Therefore it is so far a criterion that, at all events, the real value was not less than the rateable value?—I cannot see that it is any criterion at all, because some parishes might be rated at one-half of their value, and some at three-quarters their value; there was an infinite variety.

2461. I understand you to say that, generally speaking, it is impossible to ascertain the rent, and that general statistics, as regards the increase of rate in the pound, are not very valuable?—Certainly not; I consider them of no value whatever previous to 1834.

2462. Have you examined it from the point of view of actual expenditure on poor relief before 1834, and at present?—No, I cannot say precisely what it is; but I believe it is considerably more now than then.

2463. Is it more in your county?—I cannot speak of the county.

2464. Your impression is that it is more?—Yes, I am speaking as a whole; I cannot speak of my county, or any particular county. My attention has been drawn to the amount generally rather than particularly. I know that the rating of our county now is about 280,000 *l.* a year, levied under the poor rate assessment.

2465. But in all those matters it would be necessary, would it not, to keep the increase in the towns entirely apart from the increase in the country?—There is great confusion in the Local Taxation Returns as to the rate in towns and the rate in the country; the town rate is classed with the poor rate, and the town rate only stretches over the circuit of the town property, whereas the poor rate stretches over the whole parish and union, so that you cannot draw any conclusion as comparing town and country by the Local Taxation Returns.

2466. What you have to deal with in your neighbourhood are mainly the county rate and poor rate, are they not?—Country parishes have nothing to do with town rate.

2467. And therefore in your case, it is the relief of the poor, the highways, and the county charges that are the chief items?—Yes, certainly. The expenditure under the poor rate divides itself into 25 heads, all of an Imperial character.

2468. Has there been any increase in the county rate with you?—I cannot say particularly as to my own county. I know from the returns that there is an increase of about 500,000 *l.* for the three or four years ending 1868, in matters unconnected with the relief of the poor.

2469. What is the total amount of the county rate now?—I cannot say precisely what the increase of the county rate may be, but the charges are about one-third of the whole poor rate; that is to say, the charges that are not specially for the relief of the poor.

2470. It includes the borough rate, does it not?—The borough rate is a very small proportion of the levy, and the highway rate also.

2471. Is the borough rate small as compared with the county rate?—I think so.

2472. What is your impression?—I do not know the proportion at all.

2473. Do you think it is one-half?—I do not know at all. I have not turned my attention to it.

2474. To go back to the point, as regards the burden upon land, would you think that it would be a wise proposal that the burdens should be divided between the owner and the occupier?—I think it would be a most absurd proposal. I take it that the owner and the occupier are one with regard to the tax.

2475. Are they the same, in fact?—Yes, I should

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should say so, except as to the increase, and new charges.

2476. That is to say, except as to the 100 per cent. increase which has taken place in the rates?—Yes, in the 30 years.

2477. Then they are not the same?—With that exception, they are.

2478. The exception is one-half of the whole?—Exactly; it is a very large exception.

2479. Although it would be an absurd proposal to put part of the rate upon the owner, the difference would have been in those 30 years, if it had been on the owner, that he would have paid the 100 per cent. increase instead of the occupier?—No, he would have paid one-half of it.

2480. That would have made a difference as regards the poor rate?—Yes.

2481. And yet you think it would be absurd to relieve the occupier from those conditions?—I rather think the poor rate has got to its extent, and that an alteration in that respect would not be of much advantage now. I should prefer putting the whole upon the owner.

2482. And that, you think, would not be absurd?—No, not so absurd, because I think the owner would understand the nature of the tax better than he does now.

2483. But it would not be so absurd as if he were to pay one-half?—Yes, it would now; and not only that, but it would cause a great confusion and difficulty dividing it every year in making it a matter of account.

2484. Are you aware that in Scotland the owner pays one-half?—No, I am not.

2485. Are you aware that in Ireland he pays one-half?—No, I am not.

2486. So that the absurdity would be shared by the two sister countries?—Exactly, but I do not think that would lessen it.

2487. As regards the owner, you would not object to the whole rate being put upon him?—Certainly not, although I am an owner myself.

2488. What would you say to the administration of the poor law by the owners?—I should think it would be a very wise proceeding.

2489. Do you think that they would administer it better?—I would make them collect, administer, and pay.

2490. If the occupiers were relieved from the pressure of the poor rate, and the pressure fell only upon the owners, in case of an increase, the owners being a comparatively small class, would you not be afraid of the pressure that might be put upon them, either by public opinion, or by any other power, as regards the enormous sums that are spent on the poor rate?—Certainly not; the occupier at present, under the Union Chargeability Act, has no interest in reducing it at present; he has no very material interest in any particular question at the board of guardians.

2491. I undeestand you to say that it is practically the same, whether you put it upon the owner or upon the occupier in the long run?—Yes, certainly; it comes out of the gross produce of the estate.

2492. If the poor rates were put upon the owner, would he increase the rent to the occupier?—No doubt he would to the extent of the rate.

2493. Then, indirectly, the occupier would pay a portion of the rates, would he not?—Supposing it was a re-entry, and the rent was adjusted according to the rates, I take it that the tax is really entirely upon the owner, with the exception that I have named, of the future increase.

2494. I think, at the beginning of your evidence, you said that it was upon the occupier?—I think not; at least I have never intended to say so; I have always stated rather that the tax is upon the owner, except the increase.

2495. You think that, by putting the rate upon the owner, it would be ultimately possible to relieve the occupier?—It would relieve the occupier from the increase, and nothing more, if there was a re-adjustment of the rent in proportion.

2496. Would the landlords raise their rents in consequence?—I have no doubt that as a rule, that would be the case. For instance, supposing that I pay 180*l.* a year poor rates, if I let my estate, I should not let it without charging the 180*l.* a year in the rent; that is clear enough.

2497. What I wish to know is this, whether, in your opinion, the indirect contribution that the occupier might make through an increased rent would or would not entitle him to a share in the administration of the funds?—No; if he paid nothing, of course he need not have any part in the administration.

2498. Do you think that, under the present system, the owners ought to have a share in the administration?—Yes; they have at present.

2499. How?—As *ex officio* guardians; I am a guardian myself.

2500. Are you an elected guardian or an *ex officio* guardian?—An elected guardian.

2501. Then, so far as you are an elected member of the board, you are the representative of the ratepayers?—Certainly.

2502. That is to say, of the occupiers?—Yes.

2503. You are not there in your capacity of owner, but as an elected representative of the occupiers?—Yes.

2504. If there were no *ex officio* guardians, if the *ex officio* element were omitted, would you hold that the owners were repeesented at all under the present system?—Frequently our guardians are owners as well as occupiers, but the only element, strictly speaking, in which ownership is represented, is the *ex officio* element. But owners vote for the election of guardians by a cumulative vote, personally, or by proxy.

2505. Is it that satisfactory element; does the system of *ex officios* work well?—I think, generally, that the country boards of guardians work very well and very satisfactory.

2506. I mean do the *ex officio* guardians attend regularly?—They do at the board of which I am a member; not all of them, but there are always some of them there; the chairman is an *ex officio* guardian.

2507. Do they attend as regularly as the elected guardians?—Yes, quite.

2508. And you do not think that they would take more interest if they were elected as owners?—Certainly not; if they paid the rate, it is natural to suppose that more gentlemen would take an interest in the administration.

2509. Do you think that that would be an advantage?—I think it would.

2510. Will you state to the Committee which you would prefer of the three arrangements, that the occupier should pay the whole of the rates, that the owner should pay the whole of the rates, or that they should be divided between them?—I should prefer that the owner paid the whole of the rates.

2511. If such a law were passed that the owne

owner should pay the whole of the rates, would not that lead to an immediate readjustment of rents?—So far as the owner paid a charge, which he did not pay before, of course he would add it to the rent.

2512. Do you think it would be a popular and a proper measure, if it was introduced to put the whole charge upon the owner?—I think so; the interest and the power of the occupier to reduce the amount of the rate is now really so small that the guardians of a very large number of the distant parishes very rarely attend the board at all. The administration is really by the town guardians and the *ex officio* guardians at present; I am speaking of country districts.

2513. The interest to the pocket of the ratepayer is a very serious interest now, is it not, as the ratepayer pays heavy rates?—He does, but he pays it in respect of the owner; I mean this, that under the Union Chargeability Act, a guardian, the representative of a parish, a farmer has very little interest in an additional 6 *d.* which may be given to a pauper; it would be so infinitesimally small, his share of it, that it does not matter to him much; but then, as a rule, the board as a whole, administer the law with just the same feeling of equity as they would if they benefited largely.

2514. They act now according to the best of their judgment, instead of feeling that they are taking the money out of their own pocket?—Yes, as a rule; I have been a guardian for 30 years, off and on, and I have never found any very material difference in the action of the board before the Union Chargeability Act, or since.

2515. Do you think that the removal of the stimulous to economy by the Union Chargeability Act was a good result or a bad result?—I think it was a good result; it has done away with the screwing conduct very often prevalent at the board of guardians on the part of the occupiers, when it was a parochial rate.

2516. And you think that the same result, to a certain extent, would follow from putting the rates upon the owners?—Yes, certainly.

2517. You would remove still further that interest which remains now?—No, I do not think so; it is so infinitesimally small now that you cannot remove it any further; I think you have done all that you can do in that direction.

2518. Do you think it an infinitesimal interest when the rates have risen 100 per cent. over a given number of years?—Exactly; but that increase is accomplished. I am speaking of the future.

2519. And you think that it is stopped now?—I should hope so, but that depends entirely upon what is coming.

2520. Mr. *Pell.*] Do you think that, with respect to the education rate, it is stopped?—I do think that the increase may be stopped.

2521. Mr. *Fielden.*] You stated, did you not, that guardians from distant parishes seldom attend the meetings of the board?—Yes, that is so.

2522. In your opinion, does that arise from the great extent of the union?—No, I think it arises from the little interest which the guardian has in the business.

2523. Colonel *Brise.*] When you speak of increased rates to the extent of 100 per cent., can you tell us in what the increase has been; has it been in the county rate, or in the union expenditure, and if so, whether in the out-door relief, in the in-door relief, or in the establishment charges?—The increase has been in the relief to the poor from the administration under the new poor law, and from the new charges added to the rate during the last 30 years.

2524. What is the average tithe rentcharge on your farm?—As my farm runs into three different parishes, I cannot exactly tell you; I think the rentcharge of my farm may be from 180*l.* to 200*l.* a year.

2525. How much per acre?—About 5*s.* per acre. You will understand that it is mostly pasture, and the rentcharge on arable is very much heavier than on pasture land.

2526. You have spoken of the profits of your farm as being only 65*l.* last year; do you speak of the year including the harvest of the year 1869?—I speak of the year ending the 25th of March 1870.

2527. Do not you think that, if the owners had the administration of the expenditure, it would tend rather to an increase of the rates?—No, I think not.

2528. Do you think that the occupiers would have some interest in keeping men off the rates?—I consider that the occupier at present has no interest and no power that you can measure in keeping down the expenditure of the poor law; his interest is so small that it cannot be called an interest at all.

2529. Mr. *Fielden.*] But he has to pay rates, and therefore he must have an interest surely?—He has to pay rates; but taking the readjustment of the rates at this present time with the rent, he has no interest, except in any increase which may be added to the rates.

2530. Still, if he pays the rate out of his pocket, and he can save something by reducing the rate, he has to pay so much less?—Yes, I say that any saving that he gets effected by his attendance at the Board, or any attention to the matter is so small, that it is not a matter which would at all induce him to take any trouble about it, because the saving is spread over the whole union.

2531. Sir *James Lawrence.*] Reference was made in your evidence to the difference of rating at the present time, and previous to the year 1834; if I understood you rightly, you made the remark that you did not see the analogy between the two ratings, and that you did not admit that people were more highly rated then, because the assessment was lower?—Yes, exactly.

2532. Was not there another element besides the low assessment, at the period before 1834, which has to be taken into consideration?—The period between 1815 and 1834 was one of very great trial to the agricultural districts, and the consequence was that the poor rate, as you are aware, pressed exceedingly heavy on the parishes; when that period expired the thing righted itself.

2533. What was the rate of wages at that time, in the year 1832, for example?—My experience of wages has been that my wages have increased about 33 per cent. since 1838.

2534. I am speaking of the period when the poor rate was 3*s.* and 4*s.* in the pound; was it not a fact that a large portion of that sum was employed in supplementing wages?—Certainly not.

2535. In the years 1830 and 1831, was it not so?—No, not in our district; wages are always settled by the competition for labour.

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2536. Were not agricultural lobourers in the receipt at that time of much lower wages than they have now, and did not the parish supplement the wages by an advance from the poor rate?—Certainly not.

2537. Mr. *Pell.*] Did not labourers go the round, as it was regularly called, before the change in the law?—Never in my place.

2538. Mr. *Seely.*] In making out the balance in which you have shown a profit of 65 *l.*, could you tell us what you charged yourself for rent?—I cannot exactly, the profit would depend upon putting it at a fair rent; I have always endeavoured to put it at about the same as it was rated, that is to say, the gross rate; the actual rent that would go into the account would be the net rent that is taxed, for instance; but I have always a carpenter, and very frequently a mason, employed for which I would make a deduction.

2539. On that profit you charge about the same rent as you could let it at?—Yes, I have endeavoured to acertain for myself what profit is made.

2540. The profits seem so extremely small as compared with the rates; would you mind telling us what interest you charged, upon your capital?—Five per cent.

2541. Mr. *Smith.*] When you recommend that the owner should pay the whole of the rates, has it occurred to you that the effect of charging the owner with the whole of the rates would be an immediate readjustment of rent as between owner and tenant in every case?—I expect so.

2542. Do you think that that would be to the advantage of the tenant?—It would be neither advantageous nor disadvantageous; it would be the same thing.

2543. But I think you mentioned that it was very common in Somersetshire for rents to remain at the same amount for one or two lives together, and that they are not readjusted very often; would not the introduction of the payment of the rates by the owner suggest a necessity for readjusting rents generally?—Yes; the amount which the owner would pay, and which he had not paid before, he would, as a matter of course, add to the rent, and the tenant would be in the same position as he was before.

2544. Do you suppose that he would be content with simply adding the amount which he would be called upon to pay, or the amount he might estimate he might be called upon to pay, because, as you are aware, the rate is not always the same?—Yes; he would take it at what it is at present.

2545. He would simply add it to the rent?—I should say so.

2546. But you think that he would not add anything more to the rent?—I should suppose not. That question would very much depend upon the state of agricultural prosperity at the time.

2547. There is great competition for land, is there not, in Somersetshire?—There is in every county.

2548. Mr. *St. Aubyn.*] When you say that you would transfer the whole burden of the rate to the owner, do you intend that to apply to all rates, the poor rate and the county rate?—I am speaking altogether of the amount levied under the poor rate assessment, exclusive of the local taxation proper, which I take to be the town rate.

2549. In that case you would not think it advisable to make any distinction as between the poor rate and the county rate?—Certainly not.

2550. Your opinion is, in fact, that the whole rates should be bodily transferred from the occupier to the owner?—Yes, certainly.

2551. Mr. *Corrance.*] You have spoken of increase of rent, but you have not told us yet fully upon what that increase depends; I am going to ask you several questions, and perhaps you will answer me yes or no; in the first place, you would assume, would you not, that increase of rent is consequent upon competition?—Yes.

2552. And, secondly, upon the permanent application of capital, as for instance, if you have a farm of a certain value, with certain applied capital for the improvements?—Yes.

2553. The rent is computed not only on the sterling value of the land, but upon the accessories upon the farm in that respect?—The rate would be, and also the rent.

2554. You have good roads, farm buildings, and fences, all of which add to the value of the farm, and the value of the farm for which you would levy the rent, is the interest of the money. That would lead to increase of rent, would it not?—I do not quite understand you.

2555. The landlord, as you are aware, builds the farm buildings upon the farm with a charge of five or six per cent?—Yes.

2556. That is rent, is it not; that is to say, it constitutes the increase of rent?—Yes, as an outlay if made by the owner.

2557. Is not a considerable amount of the present increase of rent due to such a cause in England?—I have not the slightest doubt about it.

2558. And rent will rise in respect also to the price of produce, will it not?—Certainly; only you will observe that the rent does not vary according to the price of the produce, because readjustments, as I said before, do not often take place.

2559. But looking at it as a broad principle, if the price of the produce upon the farm materially increased permanently, do you not believe that there would be a progressive and gradual increase to the rent?—Yes, certainly.

2560. The tenant would no doubt enjoy the profit of that for a time, but, ultimately, by the law of competition, the landlord would get his fair quota?—Yes, certainly.

2561. If the price of wages were raised, that would tend to depreciate the rent, would it not?—Yes, unless the increased price of produce was corresponding.

2562. Has the price of your wages been raised?—Yes; 33 per cent. since 1838.

2563. That would go, therefore, in abatement of the rent?—Exactly.

2564. Do you think the depreciation of the gold standard has had no effect upon the rise of rent?—My opinion with regard to gold is this, that it has tended to raise the price of labour and of all other things which a farmer expends in his cultivation, as, for instance, artificial manure. We used to buy cake at 8 *l.* a ton; now we give 12 *l.*; and the same with all kinds of articles, so that I believe that on arable districts the rent has not so very materially increased as it has in pasture districts.

2565. Are you aware that the value of gold may be said to be thoroughly tested by the value of an article of absolute necessity like corn, and that if there is much gold and only the same proportionate amount of corn, the influence that that would

would have upon the price of corn would be that the money value would be raised?—I cannot go very deeply into the gold question, but my opinion is that but for the influx of gold, the price of wheat would have been very much lower than it is now.

2566. Would not such an increase of the money value of the corn be represented in the rent by an increase of rent?—Less the extra outlay for artificial manures and the increase of the cost of labour.

2567. Has the amount of produce increased generally in your county?—No doubt it has.

2568. In consequence of the increased application of capital?—In consequence of increased capital applied to the soil in the shape of artificial manures, in draining, and in various investments by landlord and tenant.

2569. In consequence of the increased capital those rates fall as an increasing burden, do they not?—Yes, I can give an instance. In the Taunton Union, where a man took a farm on a lease, he expended a very large amount of capital, and he was immediately, within a year or two, brought before the assessment committee, and a very large increase was put on his rate in consequence of the capital which he had invested, and which he intended to take out during his lease.

2570. All this amount of capital, whether applied by the landlord or the tenant, comes under this heavy amount of taxation?—Certainly it does eventually.

2571. Do you not think that upon such an assumption the desire by the landlord or the tenant to improve will be so far diminished?—It is a direct bar to extending the cultivation of land, because, if you take a piece of land, we will say of 1,000 acres, which produces no rent now, if you lay out capital upon the surface of that land and make it worth 20 *s.* per acre, it will immediately be rated at 20 *s.* per acre, although it is on personal estate which was invested in the improvement of the soil.

2572. Then that acts directly to discourage the application of capital, does it not?—Surely it must; and so it does to the building of houses in precisely the same way.

2573. You think, then, that the increase of rates does fall both upon landlord and upon tenant?—Certainly, according as one or the other makes the investment.

2574. And so far it also diminishes the desire to employ labour?—Certainly; a tax of 12 per cent. must be a bar to production.

2575. You have stated that at the period when a farm is re-let, it would be no longer a burden on the tenant?—Except the future increase.

2576. Supposing the assessment were increased, do you imagine that if a farm is re-let at this moment the tenant would escape, and it would fall entirely upon the owner?—So long as the rate remains at the same amount where it is now.

2577. You have also stated that it would be in the landlord's power, through competition, to at once recoup himself to that amount?—Certainly.

2578. Then it must fall upon the tenant, must it not?—How does it fall upon the tenant if he is relieved of what he pays to the overseers for poor rates?

2579. Then your reasoning conducts us to this point; you say yourself that where a farm is re-let the landlord has the power to exact not only an increase of rent, but the whole increase of rates from the tenant?—I did not say the increase of rent; I said the amount of rate.

2580. The result would be this, would it not, that the tenant would give it, because he would prefer that to losing his occupation?—The tenant would be no worse off, and there would be no difference whether he pays to the landlord or to the overseer.

2581. The tenant would be worse off if the increase of the rate was added to the rent of his farm?—No; if the landlord is willing to allow the rent to continue as it was before, and he charges the tenant with the amount which he pays for rates which he (the owner) did not pay before, the tenant is in the same position as he was before, when he paid it himself.

2582. But his position is a worse one, because there has been an increase of rate upon him in either case?—No; I am speaking of the rate as it stands at the present time.

2583. In any case, this increase of rates would fall upon the tenant, would it not?—Not after the rate is wholly charged on the owner.

2584. You say that by competition the landlord can recoup himself for the increased charge upon him, supposing it fell upon him?—No, not by competition, but by simply readjustment, if he paid that which he did not pay before; the competition would be the same in all cases.

2585. You say that you would not divide those two rates between the owner and occupier?—Certainly not.

2586. Why not?—Because I think it is a much more simple, and plain, and direct course to place the charge that is said to be a charge upon the owner, and let him pay it entirely.

2587. With respect to the county rate charges, you would see no particular reason why the occupier should pay them?—I see no particular reason why the occupier should pay either the county rate or the poor rate.

2588. Looking through the items of the county rate, there is nothing particularly, you think, which interest the occupier very greatly?—I think not.

2589. Not the police rate?—No.

2590. Has he no interest in the gaol?—No more than any other person.

2591. Has he no interest in the pauper lunatics?—No, not more than any other capitalist; I take the farmer to be in precisely the same position as a tradesman; he is employing capital in a business; he does not pay anything to the rate on his capital.

2592. With respect to the county rate, it is your opinion, is it, that it might entirely fall upon the owner without any loss to the occupier?—Yes, certainly.

2593. Now, as to the poor rate, do you think that the poor rate stands upon exactly the same footing as the county rate?—Yes, I do; and the highway rate also.

2594. Is it not in the power of the occupier to reduce the amount of the poor rate by employment very materially?—I think it would be a most absurd doctrine that any employer of capital should be expected to employ labour which he did not otherwise want for the purpose of reducing a tax which he only bears indirectly.

2595. Then you would prefer throwing into the poorhouse a labourer who, perhaps, could hardly be called a whole man; that is, a man who

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is only able to do half a day's work?—I answer that question in the same way as I answered it before, that it is perfectly absurd that you should expect that an employer of capital in cultivation, or in any business, should employ an inefficient labourer and pay him more than he is worth.

2596. As an alternative, you would send him to the poorhouse, would you?—I would have nothing to do with him. I am an employer of labour, and I get the best man, and an inferior man, at a rate according as they are worth to me.

2597. Admitting that that is the feeling of occupiers of labour, supposing the owner paid the whole rate, and they were to throw off every inefficient man who did not produce to him an adequate profit, would not that tend to increase pauperism enormously?—Certainly not; no man does it now; why should he?

2598. I think you have told us that it is in the power of the occupier to reduce the rate?—No, I have not told you so.

2599. Not by the employment of labour?—No, not by the employment of more than he requires for his business. As a matter of charity, I may employ a man and give him half-a-crown a week when he is not worth one shilling; but that would not be a sound principle of commerce.

2600. And you would keep him off the rates?—Yes; but it would be an act of charity, not an act of business.

2601. Economically speaking, is it not better that a man should produce something than nothing?—Economically speaking, he does produce nothing beyond what he is worth to me.

2602. He produces enough to keep himself perhaps, though he does not produce a profit to you?—Exactly; but then it is out of my pocket as charity if I do not want him.

2603. But for the sake of the community it is surely better that he should produce something than nothing, and if he is in the workhouse he produces nothing?—No doubt, for the sake of the community; but what have I to do with the community, as a business man, except as a matter of business.

2604. You say, do you not, that the Union Chargeability Act having raised the rates, the occupier's interest has induced him to cast many of those men upon the rates?—No, I have not said so; and I do not think it has; as a general rule an agricultural labourer is pretty fully employed, and the matter goes on pretty much the same; but supposing there was a great pressure upon agriculture by low prices, and so on, the occupier has no interest whatever in employing men that he does not want.

2605. Of course that would be the case where there were no rates?—He does not require them anywhere, and he has nothing to do with them. He is in the same position as any other employer of capital.

2606. You think, do you not, that the administration of the poor rates by the owners would be equally efficient to the present system?—No doubt of it.

2607. You think that there would be increased attention to the expenditure?—Yes; if it was necessary they could send an assistant Poor Law Commissioner to sit at every board.

2608. You think that the understanding principally lies in the breeches pocket?—Certainly; it is a commercial matter, the employment of labour; you have no right to call upon a man to employ labourers, and to give them more than they are worth to him. I take farming to be a business precisely the same as manufacturing cotton or anything else, and I take the owner and the occupier to be one in the process.

2609. Mr. *Acland.*] I do not quite understand how you make out that the rates have increased 100 per cent.; will you be kind enough just shortly to answer my question; has the county rate in Somersetshire increased in your parish?—I have never taken the trouble to divide the county rate from the other rates; the charge is brought by the overseer for so much money to be paid.

2610. Have you not a county ratepayers' association in Somersetshire, and have you taken a leading part in the county of Somerset on the whole question of local taxation?—Yes, certainly; or rather, on the question of poor rate assessment.

2611. You are not able to state whether the county rate in your own parish has increased or not?—I can state this, that since about 1745 the aggregate rates have increased 1,400 per cent.

2612. We are talking now about what is actually going on in the country; from the active part which you have taken in this matter, you must have some knowledge of what the county rate has been in your own county; has it increased, or has it not increased?—There is no doubt whatever it has very largely increased.

2613. Has it increased a penny in the pound in Kimpton?—I cannot tell you.

2614. You do not know at all what rate you are paying for county rate?—No, I do not.

2615. Are you paying 6*d.* in the pound?—I do not know.

2616. Can you tell me whether the highway rate has increased?—The highway rate has not materially increased; not within perhaps 20 years.

2617. It is a matter of notoriety, and can be easily got at by anyone who looks at the most ordinary sources of information, that the county rates are certainly not 6*d.* in the pound; I believe not above 4*d.* in the pound. The highway rate you say has not increased; are you prepared to say that the rate for poor relief has increased 100 per cent. in your parish?—Yes; the poor rate assessment has as I have said increased since the period which I speak of, 1838.

2618. *Chairman.*] Is it to go down on the notes that you pay now twice as much aggregate sum in your parish for poor relief as what you did previous to the new poor law?—Yes, certainly.

2619. Mr. *Ayrton.*] Does that result from the Union Chargeability Act, or from the increased charge for the poor?—It results from the increased charge for the relief of the poor, from the machinery which the new poor law adopted for carrying out the new poor law, and from the additions to the rate; the police and many other things.

2620. Mr. *Acland.*] I presume you consider the police to be one element in the increase of rate?—Yes.

2621. That is not more than 2 *d.* or 2⅓ *d.* in the pound, is it?—I do not know what the police rate is in the pound.

2622. *Chairman.*] You state that the sum expended for poor relief has increased by 100 per cent., has that been brought about by your having twice as many paupers, or by your giving the paupers twice as much money as they had before?—The increase has arisen from the new charges for

for the administration of the Poor Law, the additions to the rate, and some increase in the amount of relief, not perhaps individual amounts, but the increase in the number of paupers.

2623. I believe you have taken an interest in the general question of taxation; do you know what was the amount spent on poor relief only prior to 1834?—No, I cannot speak out of book; I have often referred to it in the Poor Law Returns; it is seen there, but I cannot speak out of book.

2624. But are you aware that the sum spent on poor relief only, in 1834 or thereabouts, was the same within 1,000,000 *l.* of that spent in the year 1868?—I do not know that it is so, but very probably it may be so; but as I have said before, the great charge on the poor rates after the close of the war arose from the great distress in agricultural districts which followed the close of the war in 1815.

2625. I am not speaking of that time, but of the time previous to 1834?—Between 1815 and 1834, I take to be the period that you allude to.

2626. Mr. *Ayrton.*] Are you aware that the increase in the poor rate did not arise from the close of the war, but that the great famine which took place subsequently was the great cause of the mounting up of the poor rate in England?—I do not understand what you mean when you speak of the great famine.

2627. Do not you know that the poor rates made the first great start in the great famine in the beginning of the century when they doubled, and that they made another great start when the great famine occurred after the war?—Certainly I do, and know that the state of the poor in agricultural parishes was very similar after the close of the war for seven years to what it is now in London, and other great places.

2628. Do you know that the cause of the increase was the great famine which occurred at the beginning of the century?—No doubt; during the war prices went up to 100 *s.* a quarter for wheat, and there was great distress in consequence.

2629. But you are aware that the cause of the rise of the rates was the great famine at the beginning of the century, and after the close of the war, and that the poor rates did not recede in either case?—They did not recede from the lowering of prices at the close of the war, at the time that you speak of; no doubt it was partly from the high price of food.

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2630. Was not it on account of the great famine which raised the rates above 2,000,000 *l.*, and after that they did not recede any more than they did not recede in the beginning of the century, when they rose about 2,000,000 *l.* in consequence of the famine?—Yes.

2631. Mr. *Fielden.*] When you stated that the increase in the rate was owing to new charges, to what did you allude?—For instance, when the Poor Law Act of 1832 was passed, there was an immense outlay to be repaid in 25 years for purchasing land for building unions, for the purchase of land, and for the erection of buildings. There was also an expensive establishment set up for the administration of the law, and there were many other things: there was the police force, and immense improvements have been made in militia stores, buildings, in gaols, in lunatic asylums, in county courts. I believe there is a county court for the county of Somerset which cost 100,000 *l.*, which had all to be paid for out of the farmer's profits.

2632. Mr. *Acland.*] Are you aware that, notwithstanding all that you have named, the county rate in Somersetshire is 2¾ *d.* in the pound, including all those different expenses which you now speak of?—Exactly; but it does not follow that it is just because it is small. You must be aware that Somersetshire is a very large and a very rich county, and that is the cause of the lowness of the amount in the pound of our county rate.

2633. Mr. *Ayrton.*] Can you tell how much your rate in the pound has been affected by the Union Chargeability Act, one way or the other?—No, I cannot.

2634. Mr. *Pell.*] With reference to the effect of the Union Assessment Act, you gave us an instance of a farm in which the rates had been raised 100 *l.* a year; was that farm, or the land or parish where that farm was situated, devoid of labourers before?—Not that I am aware of.

2635. Then there must have been no paupers before?—I do not know anything about that.

2636. You told us, did you not, that you were a guardian?—Yes; but that parish is not in the union of which I am guardian; it is an estate of Mr. Sheridan's, near Dorchester.

Mr. Thomas Rogers, called in; and Examined.

2637. *Chairman.*] You are the clerk, are you not, to the local board in Reading?—Yes, and also town clerk.

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2638. Reading is a borough, is it not?—Yes.

2639. As such you are the town clerk to the borough?—Yes, I am town clerk to the borough, and I am clerk to the Board of Health, not necessarily as town clerk.

2640. Will you state to the Committee the separate functions of the two bodies which you represent, and then the separate rates which are levied by both; have you a borough rate in Reading?—Yes; a borough rate is levied as part of the poor rate, and I will explain how the borough rate is raised.

2641. Does the Local Board raise funds also?—Yes.

2642. Have you a general district rate?—Yes.

2643. Will you state first the separate purposes to which the amount which you receive out of the poor rate as borough rate is applied, and to which the general district rate is applied?—The amount which we raise by the borough rate is to supply the deficiency of the borough fund, which is the primary fund from which all the corporate expenses are paid, and the deficiency, whatever it may be, upon the general expenditure, is made up by a borough rate. It is not raised for any specific purposes, but all the corporate expenses are chargeable upon the borough fund, and the amount required to meet the expenditure in case of deficiency in that fund is raised by a borough rate.

2644. Then with regard to the general district rate, to what is that applicable?—The general district rate is applicable to the various purposes of the Public Health Acts, the Local Government Acts, and all the Sanitary Acts; and those are by far the most important matters.

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2645. Will you state how far the area of the borough, and the Local Board of Health overlap, or are they the same areas?—They are identical.

2646. Then you have two bodies, having an administration over the same area, but with different names?—They are not two bodies in fact, although they have different names. It is rather a stupid way of expressing it in the Public Health Act, in which the provision is that where the district of a Local Board is conterminous with the borough, then the mayor, aldermen, and burgesses shall be the Local Board. In point of fact, it was simply an addition of extra duties to the corporation, and it would have been very much better if it had simply said the corporation, because it does create a confusion of idea, as they are not two bodies.

2647. Do you keep two entirely different sets of books?—Yes.

2648. And do you levy two entirely different sets of rates?—Yes.

2649. Have you the same treasurer?—No; many of the officers are in fact the same, and it is very desirable to make them all so. We are tending very much in all our appointments to make them one.

2650. At present you have two separate administrations, though the people composing them are mainly the same?—Yes, it is a separate administration, I think, more in form than in substance; we keep separate minute books and separate accounts.

2651. Have you separate offices?—We have no public offices now, the meetings are held at the council chamber.

2652. Could you state the aggregate rate levied for borough purposes?—The borough rate is nominally said to be about 4 *d.* or 5 *d.* in the pound on the gross estimated value; that is the amount which we require twice a year to supplement the necessities of the corporation out of the borough fund.

2653. What would the general district rate be?—About 2 *s.* 8 *d.* in the pound on the net rateable value.

2654. What is the total sum that you receive from it?—Somewhere about 10,000 *l.* or 11,000 *l.* a year.

2655. In the Local Taxation Returns I do not find a return of the Local Board of Health of Reading; local boards of health have all to make returns to the Home Office of their expenditure, and I find that Reading has not made a return?—We have made a great many returns; I cannot say as to any particular return; I have brought with me a printed copy of last year's accounts.

2656. Are you aware that a fine is imposed by Act of Parliament upon those local boards that do not make annual returns?—I daresay there is, but I think we have made all returns required; I think it must be a mistake. These are printed copies of the accounts of the last three years (*handing the same to the Chairman*).

2657. Could you state what the borough fund is?—The borough fund consists first of all of the income of the corporate estates, and in point of fact the borough fund under the Municipal Corporation Act consists of whatever receipts the corporation have, the primary item of which is the income of the corporation property.

2658. What income have you got for your borough fund except property?—Very little indeed; and the amount is mainly raised by a borough rate.

2659. Can you state to the Committee how the police are managed?—The police are managed by the watch committee of the corporation.

2660. How do you pay for the police?—We pay for them out of the borough fund, and we get an allowance back from the Government.

2661. Do you pay for them by a special rate, or are they paid out of the borough fund?—It is paid out of the borough fund.

2662. Generally speaking, I believe, in the many boroughs where the police are paid for out of the borough fund, there are no separate receipts, except repayments from the Treasury?—That is all; in fact, we make no borough rate of any kind whatever, but in order to supplement what we want, we make an estimate every half year under the Municipal Corporations Act of the amount which will be required, and then we order the overseers under a clause in that Act to pay us what is called the borough rate, but in truth it is ordering them to send us a certain sum of money; that is what it comes to.

2663. Speaking of the borough, are there any other rates except the borough rate?—None whatever.

2664. There are boroughs, are there not, which have other rates besides?—Perhaps so; but we have no other rate except the general district rate.

2665. Have you the same collector for the borough rate and the general district rate?—The borough rate is not collected separately; it is collected as part of the poor rate.

2666. Have you a separate collector for the general district rate?—They are separately appointed, but we appoint the same person; we find that convenient.

2667. Do they collect both rates at the same time?—They may do so.

2668. On what assessment?—The basis of assessment for the general district rate is the poor rate.

2669. Do you levy the same rate in the pound of 2 *s.* 8 *d.* over the whole of the district?—Yes; the district is confined to the borough.

2670. Have you no portion of the district where they only pay one-fourth?—Yes; the basis of that is the rateable value for the poor rate, and there are some few exceptions under the Local Government Act, such as railways and tithes, which are assessed only to the amount of one-fourth of their value.

2671. Would it be difficult to collect the general district rate with the poor rate on that account?—I do not think it is; but inasmuch as the rates are applied to separate purposes, they ought to be kept distinct.

2672. How do you manage to get your assessment for the general district rate; do you apply to the clerk of the union?—We get a copy of the poor rate book, and we simply copy it.

2673. Without examining it, are you bound by Act of Parliament to take that assessment?—The Local Government Act provides that the general district rate shall be made upon the net rateable value, as ascertained by the poor rate.

2674. You have no option, have you?—No option whatever; the only variation that we make is to meet the special exemptions which are provided by the statute, such as railways, tithes, and a few matters of that sort, which are very unimportant.

2675. They do not appear to be important in Reading,

Reading, but they might be important, might they not, in some districts?—I think they might be; I do not think the exemption is altogether quite fair respecting railways; they are only assessed on one-fourth, but seeing that we include the highway rate, and such like, in the general district rate, which is required under recent legislation, and that the expense of maintaining the roads is thus included in the general district rate, the exemption seems unreasonable.

2676. How do you manage about lighting and paving?—The whole of the paving of the town, in fact the whole of the external management of the town lighting, paving, roads, and everything, is in the hands of the corporation, as the Local Board of Health; the Highway Acts have been merged in the Public Health Act, and the local board are appointed surveyors of highways to execute all the duties of surveyors of highways within the borough; we do not make a separate highway rate, but it is included in the general district rate.

2677. How do you manage in the rural portion with railways, and so on, as regards the highway rate; are they let off for that portion of the sum which is raised for highway purposes?—That is practically the result of their being assessed to the general district rate, and getting the benefit of the exemption, and I think it is an unfair one; it might probably have been a reasonable one as respects general sanitary arrangements, which I suppose was the ground of the exemption, but it has always seemed to me an unfair thing that they should not pay their full proportion for the highways, because they use them more than any one.

2678. Have you power to levy a separate rate for the highways, if you choose?—We had at one time, but I think it was taken away by statute some six or seven years ago; that is my impression, or I think we should have made the rate separately if it had not been so.

2679. You would wish to levy it separately, because at present the exemption which was made to cover certain purposes which affect the town only is made to extend to purposes in which the rural parts are frequently interested?—That is so; land is also entitled to the same exemption.

2680. Have you any parishes which are partly in and partly out of the borough of Reading?—Ecclesiastically we have, there are two hamlets without the municipal borough and the Parliamentary borough.

2681. Have you any poor law parishes that are partly in and partly out of the borough?—We have the two hamlets that I speak of.

2682. Have you any union which is partly in and partly out of the borough?—Yes, the union is composed of the three Reading parishes, including those hamlets.

2683. Can you explain how you levy the borough rate on the union where the parishes are partly in and partly out of the borough, if it is paid out of the poor rate?—We levy it on the parishes, excluding that portion of the parish which is beyond the borough; the poor rate contains a separate assessment for the hamlets, at the end of the general rate-book, so that it works very satisfactorily.

2684. But where a hamlet is partly in and partly out, do not you levy the borough rate separately?—That does not occur; the hamlet in each case is entirely beyond the municipal borough, although it is partly within the parish forming the borough. We have three parishes, St. Mary's, St. Giles', and St. Lawrence, and the parish of St. Giles includes the parish within the borough, and the hamlet of Whitley; but we never interfere with that, it has a separate assessment, and they do appoint a separate overseer.

2685. Has there been any conflict at all between town and country as regards the exemptions under the general district rate?—Now-a-days no difficulty has been raised about that; it is only two or three farms and gardens, and land used for agricultural purposes in the outskirts of the town, which become entitled to exemption, or rather, diminished rating.

2686. Is there any compounding; that is to say, payment of the rates by the owners as regards the general district rate?—Yes; we levy the general district rate on the owners under the powers of the Act directly; it is not a composition; we assess the owners at a reduced value.

2687. Under what Act?—Under the Local Government Act.

2688. Will you read the Clause of the Act to the Committee?—It is the 55th section of the Local Government Act of 1858. It repeals the rating clauses of the Public Health Act of 1848, and then enacts "That the general district rates shall be made and levied upon the occupier of all such kinds of property as by the laws in force for the time being are or may be assessable to any rate for the relief of the poor, and shall be assessed upon the full net annual value of such property, ascertained by the rate (if any) for the relief of the poor made next before the making of the assessments under this Act, subject, however, to the following exceptions, regulations, and conditions, namely: The owner, instead of the occupier, may, at the option of the local board, be rated in cases where the rateable value of any premises liable to assessment under this Act does not exceed the sum of 10 *l.*; or, where any premises liable to an assessment are let to weekly or monthly tenants; or, where any premises so liable as aforesaid are let in separate apartments, or where the rents become payable or are collected at any shorter period than quarterly, subject to this proviso, that in cases where the owner is rated instead of the occupier, he shall be assessed upon such reduced estimate as the local board deems reasonable of the net annual value, not being less than two-thirds nor more than four-fifths of such annual value; and where such reduced estimate is in respect of tenements, whether occupied or unoccupied, then such assessment may be made on one-half of the amount at which such tenements would be liable to be rated if the same were occupied, and the rate were levied on the occupiers." Then it goes on, "The owner of any tithes or of any tithe commutation rent-charge, or the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water or used only as a canal or towing-path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same in the proportion of one-fourth part only of such net annual value thereof; provided, nevertheless, that if within any district, or part of a district, any kind of property be exempted from rating by any local Act," then the exemptions shall be continued.

2689. Are

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2689. Are you in this position, that while you have one law of compounding for the general district rate, you have another as regards poor rate, from which you pay your borough rate?—That would be so,

2690. From which there would be another difficulty, unless there were further legislation with regard to putting the general district rate and the poor rate together?—They could not go together without altering the law.

2691. As regards the election of the town council, will you state briefly to the Committee what are the qualifications for voting?—It is a rating qualification.

2692. Have you a plurality of votes?—No.

2693. Have the owners any votes?—No.

2694. So that you have this position, that the owners paying the rates in certain cases have no voice at all in the representation?—That is so, certainly, except that being, generally speaking, residents in the town they would be almost sure to be qualified in some other way.

2695. The borough franchise is an occupation franchise entirely, is it not?—It is so; but I do not think that members of the corporation would rest upon that for their right to be at the board; I think they are mostly owners of property.

2696. But not rated as such?—No; the qualification used to be a property qualification, but under the recent Act, I think any one who is rated at 15 *l.* a year is entitled to be elected a councillor.

2697. The qualification for electing is an occupation franchise, and the qualification for being elected is also an occupation franchise, is it not?—It is a rating occupation franchise; it is not an occupation without the rating.

2698. Will you state how far the *ex-officio* element enters as regards town councils?—There is no *ex-officio* element.

2699. Therefore the owners have not the representation on town councils that they have at boards of guardians?—No, they have not.

2700. Neither in the plurality of votes, nor in the *ex-officio* element?—There is no *ex-officio* element, and no plurality of votes.

2701. Have you turned your attention at all to the desirability of dividing the rates between owners and occupiers?—I have not thought very much about it; but I should be happy to answer any question that you put to me. But although I have not considered it very much, I should not agree with the evidence which I have heard here to-day, that it would be advisable to put them entirely upon the owner; I should think that that would be a great mistake.

2702. If you were to place the rates entirely upon the owner, at all events you think, do you not, that it would be necessary to re-consider the election of those who have to administer them?—Yes, certainly; I was surprised to hear anyone give such an opinion, because obviously the owners of property could never administer them, and would not, from their position and circumstances, especially in agricultural districts; they would not attend to the detailed management. My opinion would be that the management of the rate should be very much in the hands of persons who are locally present, and would give practical attention to it; otherwise you would inevitably get a very large and wasteful expenditure.

2703. Could you state to the Committee whether, amongst the purposes for which the general district rate is levied, there are any that may be called of a permanent character?—Yes' certainly, all our improvements are, and we have done a great deal in that way in Reading; we have constructed public pleasure-grounds, formed new streets, and improved the old streets. We borrow the money, and we can only borrow the money in case it is for a permanent improvement.

2704. Will you state what is the annual sum that you pay for interest and repayment of loans out of the total expenditure of the local board?—There is at the end of the account a tabulated statement showing the entire borrowed money of the local board, and it also gives the total amount of interest. I should say that our mode of borrowing money now, and we intend to adhere to it in future, is by getting it from insurance offices who are willing to make this arrangement, that we repay an equal sum, of principal and interest, annually, during a period of 30 years; so that we save the necessity of making a sinking fund which, under the old Acts, was necessary. The old practice was to borrow, paying the interest upon the loan, and setting apart a certain sum as a sinking fund, which was invested in various ways, but that is not so good a plan as borrowing it on a fixed footing and paying it off yearly, by equal sums, during a fixed period.

2705. What is your annual payment for interest and repayment of capital at present?—£. 1,625. 9 *s.* is the amount of the annual instalment, principal and interest, on borrowed money, that is to say, of those loans which are repaid by equal annual instalments; upon the other loans, which are the earlier ones, the interest at the present time is 180 *l.* a year, and the sinking fund is 159 *l.* 15 *l.* 2 *d.*; those three figures put together make the total annual payment on that score.

2706. You do not separate the borrowed money from your rate, do you?—Those sums are all included in the general district rate.

2707. Out of the 2 *s.* 8 *d.*, which you have mentioned, how much in the pound represents the repayment of interest and debt?—Those amounts come to a few pounds under 2,000 *l.*

2708. Is that for half a year or for a year?—That is for a year; a penny rate in Reading produces something under 400 *l.*, so that a fivepenny rate would about represent the borrowed money.

2709. The total district rate is about 10,000 *l.* a year, is it not?—Roughly, you might put it at that.

2710. Of the 10,000 *l.*, one-fifth goes for repayment of debt and for the interest on it, which may be considered to be a permanent expenditure?—That is so; we consider that it is the wisest way to make improvements to borrow money for them, and we do this on a large scale, thinking that the present generation should benefit from them as well as those that come afterwards.

2711. May the Committee assume that most of the remainder is for city purposes?—It includes the public lighting of the town, which is a very large sum, and it includes the paving of the town.

2712. Could you state quite roughly the various items?—Yes; the first item of expenditure is highways, footways, scavenging, watering the streets, 1,687 *l.* 2 *s.* 6 *d.* for one half year, and 1,903 *l.* for the next half year, making a total of 3,590 *l.* 2 *s.* 6 *d.* The next item is public lights, the first half year being 835 *l.* 7 *s.* 5 *d.*, and the second half year 1,043 *l.* 11 *s.* 2 *d.*, that is about

about 1,870 *l.* The third item is miscellaneous public works, and in one half year it is 140 *l.*, and in the second half year 375 *l.*, making about 500 *l.* Then we have public pleasure-grounds, public bathing-place, paving, and so on; paving is a large item; in the first half year it was 461 *l.*, and in the second 1,178 *l.*, making a sum of 1,500 *l.* or 1,600 *l.* The others are all small items; those are the three great items. We have done very little in our sewerage, I am sorry to say.

2713. The three great items are the highway rates, paving, lighting, and the interest?—Yes.

2714. Mr. *Fielden.*] What is the rateable value of Reading?—It is about 108,000 *l.* a year.

2715. Mr. *Walter.*] Do you know the amount of the poor rate in the borough of Reading; how much in the pound it is?—There are two rates, about 3 *s.* 4 *d.* in the year.

2716. Are they collected in the form of an equal charge, upon an equal assessment, upon the parishes constituting the union, or does it differ in the different parishes?—The present year they are precisely the same; it never varies very much. There has been a slight difference in one parish, St. Lawrence, it has been slightly less. In the other two parishes, why I cannot explain, but in the present year they are precisely the same.

2717. Previous to the Union Chargeability Act, was there no difference between the two?—Yes, the difference then arose very much from the difference in their mode of assessment. In some of the parishes they insisted on deducting a larger amount from the gross annual value, before they got to the net rateable value, whereas now they get uniformity.

2718. Can you state the difference between the deductions in the different parishes previous to the Union Chargeability Act?—Some of them deducted 20 per cent., and some of them 25 per cent. I could not state the rate in the pound. It would not be a very large amount; I think it would be about 2 *d.* or 3 *d.* in the pound in some years.

2719. Would it be sufficient at all to affect the value of the rent of houses in either of those parishes?—Yes, it would.

2720. Can you state from your knowledge whether, since the Union Chargeability Act came into operation, there has been practically any readjustments of rent in consequence of the equalization of the rate?—There would be no means of ascertaining that, it is so much a matter of private arrangement with the tenants who take the houses; I have no doubt that it would operate. The first question a man asks is, what is the amount of rates? I believe that is universally asked.

2721. So that the rate ultimately falls upon the owner?—Yes, it must in effect, no doubt; in that sense it would; that is to say, the owner would get certainly so much less rent for a house.

2722. Is it upon the whole union that the rate is as high as 3 *s.* 4 *d.* in the pound?—Yes.

2723. *Chairman.*] Besides the general district rate?—Yes.

2724. In the Local Taxation Returns which have come in from Reading, the total rate from Reading is stated to be under 3 *s.*?—That must be the poor rate.

2725. No; this is for all the rates?—Then it is inaccurate if it is so; the poor rate is 1 *s.* 8 *d.* in the pound twice a year.

2726. Has it been so for some time?—About that; it has varied; sometimes it has been 1 *s.* 6 *d.*, but it has been within the margin between 1 *s.* 6 *d.* and 1 *s.* 8 *d.*

2727. Mr. *Walter.*] Can you state what the rate is in Caversham parish?—I believe at Caversham the rates vary from 9 *d.* to 10 *d.*, and there is a very curious thing about that; when I first went to Caversham, eight years ago, to live, the rates did not average more than about 8 *d.* in the pound; the assessable value of the parish has been immensely increased, and, of course, the natural result of that ought to have been a diminution in the amount of the rate, but it has not been so. I have not gone into this very minutely, but I asked the collector why it was not, and he tells me that it arises from the establishment charges being thrown over the whole union districts, and that the assessment of the remote lying parishes away from Reading being so much less in gross than Caversham, we pay in that way; but the practical result is that although the parish has very much increased by the building of houses, it being a suburb of Reading, we do not get a diminution of rate.

2728. Mr. *Pell.*] Do you mean that you used to pay an eightpenny rate, where you now pay 10 *d.*?—Yes, but that 8 *d.* was levied on a lower amount of assessable value.

2729. Colonel *Brise.*] Is the Assessed Rate Act in operation in Reading?—Yes, the existing poor rates are made under that Act.

2730. Mr. *Walter.*] In what union is Caversham?—In the Henley Union.

2731. Inasmuch as in your opinion the incidence of the poor rate ultimately falls upon the owner, should you not think it an improvement upon the present system if a portion of that rate were directly paid by the owner, and he had a corresponding share in the administration of the rate?—I certainly think that if the owner is made responsible for the rate, he ought to have a corresponding share in the management, otherwise it would be a most extravagant arrangement, because clearly the tenant farmers particularly would not care about the incidence of the rate.

2732. But the owner is ultimately responsible for the rate, is he not, except that portion of it which is liable to fluctuation?—Yes, that would be so; the property would be liable of course, if the tenant left.

2733. Therefore, inasmuch as the existence of the poor rate is to that extent a diminution of the rent which the owner would otherwise charge, and so far comes out of his pocket, should you not think it desirable that he should have a certain share in the administration of it?—I should say if the charge is made absolutely on the owner, I do not see what the tenant farmer would have to do with it at all; I think that would be a very bad arrangement to make; I do not think that the owners of property generally would administer the poor rate or could do so (I do not think that their position would admit of it) in a satisfactory way; it would be a very extravagant arrangement.

2734. Do you think that there is any distinction to be drawn between the owners of property in a town and the owners of property in the country, with reference to that?—Yes, I think a very clear distinction, because they are a different class of men; the owners of house

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property in towns are, generally speaking, men who look very keenly after their own interests, and would do so; in fact, I think the owners of tenement property in towns are a very great nuisance very often, for their excessively niggardly ways, and their obstruction to desirable improvements; they are always present, and nothing would escape their control; practically it is so now.

2735. Then you think that whatever difficulties there might be in conferring upon the owners of property in the country a larger share in the administration of the poor rate, those difficulties would not apply with equal force to the owners of property in towns?—I think not; I think the habits of the two classes of people control that question. I do not think that country gentlemen, who are mainly the owners of land, would administer our local rates and parish rates in the same way as resident persons.

2736. In the borough of Reading is the practice of compounding for poor rates in use?—Yes, the Act of last Session has been brought into action in Reading.

2737. And have the owners, in consequence of that system, any more direct share in the administration of the Poor Law?—No, I think nothing more than they have before; they get their commission, and the system in Reading is being carried out of now giving them the full benefit of the 30 per cent. commission, because they are assessed for the whole year.

2738. And they are content, are they, with that arrangement?—Yes, they like it; the commission is a temptation to contentment; but I meant on other points that the tenement owners in towns are of a class of persons who will look carefully after the matter, but that would not be the case so much with country gentlemen.

2739. Sir *Hedworth Williamson.*] In Reading, when there is a new street made, are the paving and lighting met out of the rate, or by the owners of the adjoining property?—We have had some little difficulty about that; we adapt it as best we can to the circumstances; but our principle is, that before we take to a new street for the purpose of paving, the owner should place it in a proper state and condition for a road; he avoids it if he can; he tries to get it thrown on the public rates as soon as possible, and we have to watch him in that respect. Say, that a man has got a piece of ground for building; he forms a street, and sells it off into lots of land for building houses, and then he will leave the road to take care of itself.

2740. Mr. *St. Aubyn.*] Then he endeavours to get you to take to the road and pave it?—Yes.

2741. Sir *Hedworth Williamson.*] Then the ratepayers have to pay for the paving and lighting of it?—We do not do that; we resist it.

2742. Mr. *St. Aubyn.*] You generally look out pretty sharp?—We have generally compelled them to do something, or else we let it wait for 10 or 12 years. The principle of the law is to compel the owners to do it before we take to it; they put the road in a right state, and then we take to it. If we go beyond that, we strain the law rather.

2743. Mr. *Fielden.*] What is the population of the Reading local board district?—I should say about 32,000.

2744. What is the size of the union?—The union is the same as the borough. The Reading Union consists entirely of three parishes, with the addition of those two hamlets which I spoke of, which are mainly agricultural districts.

2745. Have you a union workhouse?—Yes; that is one of the reasons why the rates have increased. There has been a heavy expenditure lately in building a new workhouse infirmary, which has added, I believe, something like 3 *d.* or 4 *d.* to the poor rate.

2746. What have they spent on the workhouse?—I cannot tell the exact sum; it is several thousands. I believe it was done under the order of the Poor Law Board.

2747. Colonel *Brise.*] When you speak of owners in towns looking after their own interest much better than owners in the country, do you really think that owners in the country do not look after their own interests as well as owners in towns?—In a different way. You take a man who has an income, perhaps, of 200 *l.* or 300 *l.* a year, the whole of whose object is to get an income if he can out of the house property which he owns; he looks minutely after the question of repairs, rates and such like, and money is always cautiously spent; and he looks carefully after all those little items. I do not mean to say that there are not country gentlemen who do the same, but as a rule they do not do it.

2748. Mr. *Pell.*] You stated that the rates levied under the Public Health Act are 2 *s.* 8 *d.* in the pound, and the rates under the poor rate 3 *s.* 4 *d.*; does the poor rate include the police rate?—Yes, so far as it is applied to the borough fund; it does not include any special police rate. If I made myself understood at the commencement, the borough rate is about 4 *d.* or 5 *d.* in the pound, paid from the poor rate, and that goes, not to any specific purpose, but to make up the deficiency in the borough fund. It includes prosecutions, police, the administration of justice, and the salary of the recorder; all those matters are paid for out of the borough fund.

2749. Mr. *Ayrton.*] Will you take in your hand this Return, made by the borough, of the borough fund, ending the 1st March 1868 (*handing the Municipal Boroughs Return to the Witness*); did you make that Return?—I do not think I made such a return as that; I have already handed in the accounts for 1868, which I know are accurate.

2750. Mr. *Pell.*] Under the Public Health Act of 1848 there is a certain method of assessing property and hereditaments, putting agricultural land upon a different footing, as you said, to the town land, and there are certain opportunities of compounding with regard to the owners of property?—That is so.

2751. There is a latitude given in the Act with regard to that composition; will you tell me exactly how you have applied that composition in Reading; upon what terms do the owners of house property in Reading stand with respect to assessment under the Public Health Act?—We allow them to deduct one-third, and we assess them upon the reduced estimate, that is to say, two-thirds of the rateable value.

2752. There is another General Act which you apply also in Reading, namely, the Assessed Rates Act; and that again would give the governing power a certain latitude with regard to the assessment of owners; how have you applied that, and what precise terms have you come to with the owners there?—That is the Act of last year as to property not exceeding 8 *l.* rateable value; and that is a question of commission.

2753. Upon

2753. Upon what terms do you allow the owners to compound with you in Reading under the Assessed Rates Act of last year?—If I understand, the owner is assessed on that amount, and he gets his commission; that constitutes the difference.

2754. What is the commission?—Fifteen per cent.; and if he goes for the whole year he is entitled, under some other section of the Act, to another 15 per cent. That has practically been carried out, and that would be, no doubt, the practical result.

2755. It comes to this; that upon the same property in Reading the local board allow an owner, if he compounds, a different reduction from what he might receive under the application of the Assessed Rates Act?—It is different, no doubt, but the difference is not very large.

2756. It comes to this, does it not; that an application might be made for two rates in Reading from the owner, or the owner's agent, on the same day, both being upon different assessments?—Yes, there is no doubt about that.

2757. Coming to the owner of property in the borough of Reading, how many different assessments might there be applied to the same property; we have had two, are there any others?—No; there are only two general rates, the poor-rate and the district rate.

2758. How many different receipts might be tendered to the owner of a property in Reading?—The poor-rate is collected twice a year, and the general district rate also; there would be one form for each rate.

2759. There would be the Board of Health receipt, would there not?—Yes, but that includes all local taxation except poor rate; there is nothing else; there may be a little confusion. I think I have heard, now and then, some individual ratepayer speaking of the difference between the two; I have heard that remark made, but not extensively; there is the difference, no doubt, which you point out.

2760. Then it really resolves itself into only two assessments, and two forms of receipt?—That is all.

2761. Mr. *Ayrton.*] Do any local authorities supply gas or water to the inhabitants, or are those supplies made by joint-stock companies?—The honourable Member is aware that under the Public Health Act there is power given to local boards to supply water, with the restriction that they should not do so where there was a company. We had a company in Reading, but in the year 1868 we succeeded in passing an Act of Parliament, by which the water supply was transferred from that company to the local board, in consideration of the payment of an annuity, so that we now have the entire water supply.

2762. Is the rate for the water included in the expense that you have mentioned?—No, there will be a profit upon that, we hope, because we continue to make the same charges as the company made. The working of the waterworks undertaking is a separate matter from the general rate, and in the last year there was a surplus of profit upon it.

2763. You treat that as the charge, as if you were the company, in fact?—Yes, we keep an account for that purpose, because we pay the annuity out of the profits of the waterworks; but it is a remunerative thing, and will be remunerative.

2764. There is a gas company that supplies gas, is there not?—Yes; there is a gas company that supplies gas; we tried to get it some years ago, but we did not succeed.

2765. *Chairman.*] Will you turn to page 18 of your Municipal Corporations Act Account from the 1st of September 1867 to the 1st of September 1868, you find there three items for the three parishes of Reading for the borough rates, amounting together to upwards of 5,000 *l.*?—Yes.

2766. That is much more than 4 *d.* in the pound, is it not?—I looked at it this morning, and I calculated that the rating produces about 400 *l.* for a penny. The amount which would be entered in this account would be the amount actually received; it might not represent the amount of a particular rate.

2767. Mr. *Ayrton.*] You must evidently have made a mistake, because it would be 10 *d.*, and the 5 *d.* that you spoke of would be the half year's rate?—That is so; we make it twice a year. But, as I said, those figures may not represent the particular amount of rate. I presume that the treasurer would have to put into this account what he receives and pays between the 1st of March one year and the 1st of March the other year. I remember, two years ago, the old treasurer died, and there was a debt due to him, and I know that they made an extra rate; and that, very probably, is the one you put your finger on.

2768. I see, in the account, that there was a balance due to treasurer of 2,000 *l.*, which was reduced to 1,300 *l.* at the end of the year?—Yes; we made an extra rate for the purpose, and I have no doubt the expense and the difference between that explains the difference between our general course of action and this particular case.

2769. Would you think it an improvement that the general district rate and the poor rate should be levied together, collected together, and audited together, if possible?—No, I think not.

2770. Why not?—The present system acts well, and I do not like changes unless they are improvements.

2771. Would you think it better that you should continue, as the honourable Member pointed out, levying rates upon different principles and different rates of composition, and collected at different times, rather than that they should all be put on one system?—You would have great difficulty in making the assessment the same, unless you got rid of the whole of those exemptions; your form of rate-book would not admit of it.

2772. Who audits the municipal accounts?—Elected auditors.

2773. By whom are they appointed?—By the ratepayers; two are elected by the ratepayers, and the mayor for the time being nominates a third.

2774. Are they professional auditors?—No.

2775. Is it a real audit?—Yes, it is now, and has been for some years past.

2776. I suppose that depends very much upon whom the ratepayers elect; you have no guarantee for professional proficiency?—None whatever.

2777. As regards the general district rate, who audits it?—The Local Government Act provides that where the district local board is the same as the municipal corporation, the accounts are to be audited by the borough auditors.

2778. Can you state how it is done where it is not

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not the same as the borough?—By the Poor Law auditor.

2779. Therefore, where there is no municipal council, you have an independent auditor appointed by a different body, who audits the accounts of the local board of health?—Yes, because the municipal *régime* does not exist; that is the reason, I presume.

2780. Where the municipal *régime* exists, you have elected auditors who are not professional at all?—Yes, the auditors of the borough are the auditors in that case; that is the theory of the Public Health Act, that where there is a municipal body, it is an addition to the duties of that municipal body.

2781. Parliament has trusted municipal boroughs with that duty, but it has not trusted local boards of health?—They have not made the same provision as to auditing, and I presume that where there is an old-established corporation, there is some guarantee from their long experience of public business.

2782. But you do not have a professional audit?—No, we do not; our accounts are audited in the way I describe.

2783. Mr. *Pell.*] How many collections in the course of the year for the district rate have you now?—Two.

2784. And how many under the Assessed Rates Act?—Two, also.

2785. I understand you to say that the difference between the two assessments, as you have worked them out in Reading, by applying the two Acts, is a very trifling one?—Very trifling.

2786. Just enough to cause confusion, and not enough to produce any benefit?—I do not think it causes confusion; I would rather keep the general district rate separate from the other for this reason, that the whole of the purposes to which it is applied are distinct and separate from the poor rate, and they have no connection whatever; and they are not administered by the same body, which again, I think, would be an objection to the rates being collected by one person or made by one body.

2787. But looking at it from the ratepayers' point of view, to a careful man is it not rather puzzling that a 1 *s.* rate asked for on Monday should raise a different sum upon the same hereditament to a 1 *s.* rate asked for on Tuesday, the amount being only raised by, perhaps, a few pence upon a small property, and a 1 *d.* upon 2 *s.* on a larger one?—Yes; but what makes the difference there is the Act of Parliament; you see, the objects not being identical, you cannot get a uniformity of rate unless you alter the legislation.

2788. But the objects to which they are applied are not identical; the relief of the poor in a country village and the roads are not identical, but still you raise the rates in the country under the same assessment?—The highway rate is a very unimportant rate as compared to the district rate.

2789. Mr. *Ayrton.*] Is there much property rated at one-fourth in your district?—There would be the railways and the land; I cannot give the exact figure, but we have several railways in Reading, and the tithes also of the town are subject to exemption, and I think it is a fair exemption as far as sanitary purposes are concerned, but I think railways ought not to be exempt from that portion which relates to roads.

2790. *Chairman.*] Have you a borough lunatic asylum?—We unite with the county of Berkshire in providing an asylum for Reading.

2791. How do you pay your contribution?—We have just borrowed money for the purpose; we are erecting a new asylum; till a very recent period the borough of Reading was in union with the county of Oxford and the county of Berks; but the asylum at Littlemore, in consequence of the increased demand by Oxford, has been transferred almost wholly to Oxford with some small exception; and Berkshire, acting in union with Reading and another town in Berkshire, is building an asylum.

Tuesday, 5th April 1870.

MEMBERS PRESENT:

Mr. Acland.
Mr. Ayrton.
Mr. Backhouse.
Mr. Birley.
Colonel Brise.
Mr. Corrance.
Mr. Goschen.
Mr. George Gregory.
Mr. Hunt.
Sir James Lawrence.
Mr. Pell.
Mr. Rathbone.
Mr. St. Aubyn.
Mr. Charles Seely, jun.
Mr. William Henry Smith.
Mr. Walter.
Sir Hedworth Williamson.

THE RIGHT HON. GEORGE JOACHIM GOSCHEN, IN THE CHAIR.

Mr. HENRY CHRISTIE BELOE, called in; and Examined.

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2792. *Chairman.*] YOU are a Justice of the Peace at Liverpool, are you not?—I am.

2793. Have you been a member of the town council at Liverpool?—Yes, for many years; 12 years, I think it is.

2794. Have you been chairman of the water committee of the council?—Yes, about 10 years.

2795. In what capacity are you a member of the town council?—It is an elective body triennially; I have been several times elected; under the Municipal Act one-third go out of office every year.

2796. Are you also a considerable owner of property in Liverpool?—I am.

2797. Have you given your attention at all to the subject of local taxation?—The whole subject was very prominently brought before me about 10 years since, when, in consequence of the reports of various sanitary commissioners, the subject of sanitary improvement, more especially with regard to water supply, forced itself upon all the town councils of the kingdom; and among the rest, Liverpool and Manchester spent very enormous sums of money in improving the supply of water; the consequence of that was that we went to Parliament for power to spend money; but we did not at the same time go to Parliament for the proper powers to raise the revenue to meet the debt; that was in 1846 to 1848.

2798. Are you speaking of the outlay required for the first establishment of waterworks?—For the first establishment, and then their subsequent enlargement.

2799. I presume that the consumers of the water pay for the current expenses of the water supply?—Up to that time they did; but the principle was enunciated in the Act of 1862 that such a supply of water to a town like Liverpool could not help benefiting the owner of every yard of land within its radius, and that therefore it was unjust to levy all the expenses of that water account upon the mere ratepayers and shopkeepers that happened to use the water; the consequence was that I was instructed, or rather the committee were instructed by the council, to apply for an Act in 1862, the preamble of which Act recites, that the value of all property within the borough has been materially increased, and property improved and benefited; and then in a subsequent clause it gave the town council power to levy a 6*d.* rate in aid of the expenses of the improvement of Liverpool upon all property assessed to the poor; and that rate was divisible, half payable by the landlord and half by the tenant; the net consequence of which was that the landlords of Liverpool submitted to a property tax in perpetuity of 1¼ per cent., which represents 3*d.* in the pound.

2800. Is that limited by the Act to 6*d.* now?—Yes, and it is always leviable; we can neither raise more nor less; we always levy a 6*d.* rate.

2801. I believe that that rate in the mode of its apportionment is peculiar to Liverpool?—Yes, when you go to its apportionment, it is; but since then, both Dublin and Manchester and Glasgow have, I think, adopted the principle, and considered it just.

2802. What was, in round numbers, the amount of the revenue of your water trust?—In 1860 we had spent about two millions of money, and we have now spent somewhere about 100,000 *l.* more; but the rental of the water trust is now about 148,000 *l.* a year, and it is going on increasing yearly with the increase of the inhabitants of the place.

2803. How much does your 6*d.* in the pound raise?—About 48,000 *l.*

2804. And the remainder, therefore, is the receipt from the water supply?—From the tenants who pay 6¾ *d.* in the pound, and from some miscellaneous charges of various kinds, as also for water supplied to the shipping.

2805. How is it collected from the owners?—It is collected in connection with our municipal rates; the same collector gathers them all.

2806. Is it collected through the tenant?—Yes, always through the tenant; we have nothing to do with the landlord.

2807. Is it levied, as far as regards the landlord, in a mode similar to the property tax?—Probably you may call it so, like the sewerage rate; the sewerage rate is in a similar way divided between the landlord and the tenant, and the

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man, when he pays his rent, deducts what he has paid for either one or the other.

2808. Have you any clause in your Act preventing landlords agreeing with their tenants that the tenant should pay this water rate?—No; on the contrary, we have a clause protecting any agreement then existing from the effect of that Act.

2809. When the tax was imposed in the first instance, under the then existing agreements, the tenants were unable to deduct it from the landlord?—Certainly, because the usual run was that the tenant paid all municipal rates. Now, although it might be supposed to be habit to insert that, it is not so in reality. I have a great deal to do with property, and I know very few cases where such a thing is attempted now. In the present day the usual covenant is to pay all municipal rates, except a proportion of the sewage and the water rate.

2810. Are you able to state to the Committee with some authority, from your experience, that as a matter of fact, the landlords do not generally exact the rate from their tenants?—I never did myself; I know a great many landlords, and I do not know, with one or two exceptions, that they ever do.

2811. Does that apply to small properties as well as large properties?—With regard to small properties, the case does not apply. We have, what I consider to be, a good system; the landlords pay all the rates on small property, and they get their benefit in this way: supposing I own half a street of houses, which we call a small property, the rent is 16 *l.* or 17 *l* a year, and if I will undertake with the authorities to pay the rates of that property, they give me a considerable discount. The consequence is, that I pay the rates, whether the houses are occupied or not; but, as a rule, I feel that I get my rents better from only my own collector going there, and no other collector of rates whatever.

2812. Is it the fact, that owners of property have very considerable influence on the town council of Liverpool?—There is Mr. Robertson Gladstone, and other gentlemen, who own largely of property in Liverpool.

2813. Are there a good many owners of property in the town council?—I should think nearly all of them are, more or less, owners of property.

2814. Do they represent the occupiers more than the owners?—Generally, a gentleman who is in the position of a town councillor has acquired something like means, and in Liverpool those means generally consist of house property.

2815. So that we may take it that, at all events, the owners are not overweighted in the town council?—No, I do not consider that they are.

2816. You would not be able to say that this property rate or tax of 3 *d.* was forced upon the owners against their will by the majority of the ratepayers?—Quite the reverse. The bodies interested in the matter met in my office, and the town council themselves did not object; in fact, there was no division at all upon the question of levying a rate; the only division was whether the rate should be 4 *d.*, 5 *d.*, 6 *d.*, or 9 *d.*; it was the amount and not the principle that was objected to.

2817. From whom did the proposal come?—I believe I originated it.

2818. And you being an owner of property yourself?—Yes? it cost me a great deal of money.

2819. Was it objected to as unfair to the owners or not?—I have no recollection. Mr. Gladstone was the chief witness before the Committee of the House of Commons upon the subject; and, as I said before, he is one of the largest owners of property in Liverpool; and I was another witness.

2820. Do you think that this 3 *d.* in the pound property tax, or, as you called it, 1¼ per cent., induced the landlords to raise their rents proportionately?—I never did.

2821. Do you think it has had that effect?—Certainly not; some landlords privately complained to me that I had done them a very ill turn, but they submitted.

2822. How do you manage with persons who live without the borough, but who still enjoy the water?—We had this clause put in the Act, that insomuch as we could not levy the rate upon them, and inasmuch as we levy the water rent, we will say for Liverpool, at 6 *d.* in the pound; those living out of the borough were to pay 50 per cent. more than we paid in the borough, because of our rate; therefore they would pay 9 *d.* where we should pay 6 *d.*; but then in addition to our 6 *d.* we pay the rate, so that it makes it quite equal in the long run, because the 3 *d.* was paid by the landlord and 3 *d.* by ourselves, and 6 *d.* by ourselves.

2823. Was the question raised as to whether the whole rate ought to be charged upon the owner?—Some thought the whole, and some thought 25 per cent.; but, as I said before, the principle of the rate was unanimously adopted, only the amount differed.

2824. Will you state the circumstances of the application, by the borough of Liverpool, to bring in the Improvement Bill of 1867 in its bearing upon this question?—The borough of Liverpool had had Improvement Bills in the years 1858, 1864, 1865, and 1866, whereby they had sought to borrow money to the extent of 1,300,000 *l.* In 1867 the improvement committee again came before the council, with a Bill to spend 1,200,000 *l.* more, both for creating parks, and also for general improvements. The rate payers, recollecting the mess that they had been brought into by the Water Bills, began to think that the charges upon them would be very onerous indeed.

2825. To what do you now particularly refer?—The rates for water were 16 *d.* in the pound to the consumer, and we used to charge a 3 *d.* rate on all property; for sanitary purposes the rate has been 1 *s.* 0¾ *d.* subsequently, and it has been as low as 10½ *d.*

2826. Was it customary for the 3 *d.* to be paid by the occupier?—Only by the occupier; but it applied to him whether he was a tenant using the water or not; for instance, a warehouse had to pay that 3 *d.* rate.

2827. And now that warehouse has to pay the 6 *d.* rate?—Yes, 6 *d.* is the rate at which the tenant pays half, and the landlord half.

2828. On whom was the 1 *s.* 7 *d.* laid?—Upon the shopkeepers and other parties using the water.

2829. How was that 1 *s.* 7 *d.* made up?—It was 1 *s.* 4 *d.* in the pound for the use of the water, and a 3 *d.* rate for sanitary purposes; that is to say, for watering the streets, putting out fires, and so on; so that each individual paid 1 *s.* 4 *d.*

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as a consumer of water, and 3 *d.* as the occupier of the house.

2830. What is the case now?—At this present moment we pay 6¾ *d.* as tenant for water, and a 6 *d.* rate, of which 3 *d.* is deductable from the landlord.

2831. Then a part of the charge was taken off from the consumer of the water, and put upon the owner of the property?—That is so.

2832. The occupier remaining very much in the same position?—Yes, very much; and by means of the rate we were enabled to supply water at a much cheaper rate, because the Act of Parliament gives us direction to estimate our expenditure, and therefore we calculate it in this way; first, say, what your rate is to be, and how much it will yield you, say, 50,000 *l.* a year; secondly, say what you expect from shipping and miscellaneous charges, and put it down at 20,000 *l.*; that would be 70,000 *l.*; your requirments are 140,000 *l.*, and therefore you must levy such a water rent as will yield you the other 70,000 *l.*; it may be 6 *d.*, it may be 9 *d.*, and it has been 4½ *d.*

2833. You assume then that the water will be consumed very much in proportion to the payment of rate?—That is a large question; I am not prepared to say that.

2834. I mean that the charge imposed would not be by consumption, but by a rate in the pound?—It is always by a rate, irrespective of consumption.

2835. And I presume, therefore, that the transfer of the rate to the owners of large property, was a very great relief to the occupiers of the poorer class of property?—No doubt at all about it.

2836. To go back to the improvement rate, I understood you to say that the occupiers remembering this heavy charge, and how they had been relieved of a portion of it by the transfer of a portion of the rate to the owner, that precedent came into their heads in 1867, when the question arose of spending 1,300,000 *l.*?—Yes; the part that I took in it was simply this; that when the council resolved to put notices in the paper to apply for the Act of 1867, I moved and carried that the principle of the rate should be a division between landlord and tenant. I did not say in what proportions, whether it should be in equal moieties or otherwise, and that was carried; but in January 1867, when the Bill itself was brought before the council to be discussed clause by clause, I happened unfortunately to be absent at the time, and I was not able to state to the council my experience of the 10 years previous; and the thing was thrown out by the council, but only by the casting vote of the mayor, some of the most prominent owners of property upon the council voting for the principle, and for this simple reason, that it is impossible to spend two or three millions of money in a circumscribed space like Liverpool without improving very considerably the land in every direction.

2837. Mr. *Hunt.*] Can you tell us what has been the argument used against that principle?—The argument used against it is in this way; that the owners residing at the east end of the town would be taxed for improvements being carried out at the north and south; but then that same argument applied to the tenant; the tenant is taxed now, wherever the improvements are.

2838. *Chairman.*] It was equally unfair, was it not, to the tenant in the north to tax him for improvements in the south as it was to tax the owner in the north?—Yes, quite so.

2839. Then the result of the whole was, that that clause was thrown out?—Yes; and the result has been this, that the Act itself has been virtually never carried out, except with regard to parks, from a dread of the taxation which would have followed it, and which compelled them to abandon more than two-thirds of the whole scheme.

2840. Will you state to the Committee whether, in your opinion, having given attention to this matter, if that rate had been imposed, it would have been paid eventually by the owners or by the occupiers?—I know very well the theory, and it is a fair question that if the landlord has to pay it, he puts it upon the rent; but it is not so: there is great competition in Liverpool for letting houses, and people cannot go and force rents down their tenants' throats beyond a certain amount.

2841. We have had a good deal of evidence before the Committee to a contrary effect, namely, that the landlords are always able to manage to put any increase of charge upon their tenants; do you dissent to that doctrine as far as Liverpool is concerned?—I entirely dissent from it, because there is considerable competition; I had to reduce latterly many of my rents, simply from the weight of taxation upon them, which falls upon the tenants; the tenants virtually do not pay the rates now, because I have had to reduce my rents.

2842. Of what kind of tenancies are you speaking?—Small warehouses and shops; the local taxation in Liverpool has been exceedingly heavy, as you will see, when I tell you that one shopkeeper in Liverpool is rated to the extent of 6,000 *l.* a year, and having to pay perhaps 1,000 *l.* a year local taxation it becomes a very large charge.

2843. Under what kind of tenancy would that be held?—I am afraid in the case that I refer to the person is his own landlord, so that it does not much matter; but, however, there are many other properties where the taxation is very onerous, and in my own experience I have had to reduce the rents of my tenants, because they could not afford to pay me those rents with the increased taxation which has latterly come upon the town.

2844. So that, as a matter of fact, a great proportion of the increase of taxation in Liverpool has come from the pockets of the owners?—That is my opinion; it has come from mine I know.

2845. Speaking generally, in Liverpool you have spent very large sums of money, have you not, upon the improvement of the town and public works?—Enormous sums; we have spent upwards of 600,000 *l.* in the creation of two parks.

2846. That duty is not imposed upon you by Parliament, but by your local public spirit?—I cannot excuse Parliament altogether, for I think the reports of Sanitary Commissioners, and so on, have always told us that parks were highly necessary for the health of the people, and that they have been very much pressed upon us by Parliament, who have never objected to our spending any amount of money in such ways.

2847. But a great portion of the taxation has been levied under local Acts of which you have been the promoters youselves, and not under any general Act of Parliament?—Yes, certainly.

2848. And a portion of that taxation, I presume, has fallen upon the occupier, but a very considerable

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considerable portion in your opinion has fallen upon the owner?—Indirectly, but in the case of the Improvement Bill and of the Parks Bill, I cannot conceive but what it must add most largely to the value of property held by the various land owners. I can understand a gentleman owning a belt of land round one of those parks which has been quadrupled in value by the erection of the park itself. Take Park-lane in London, or Prince's Gate, and all those houses which command a view of the park, see what rents they have, and what value they have. So with ourselves 50 years hence, those lands will become immensely valuable for gentlemen's residences.

2849. Then you do not assent to the argument that the taxation is borne necessarily by the person who pays it in the first instance?—No; and moreover, I think that the principle of taxation that we adopt does not touch the parties that really ought to pay it.

2850. Do you mean to say that the owners of property ought not to pay?—I do not say that; what I mean to say is this, that if I, like a certain gentleman that I happen to have in my mind's eye, could earn 100,000 *l.* a year in Liverpool, he may, by residing five miles out of the town, and living out of the borough, escape all local taxation whatever, except the taxation upon his counting house.

2851. I understood you to say you had paid the rates as owner?—But what I mean to say is this, the gentleman who really earned the money, the tenant, did not pay the rate.

2852. But who does pay it; it is, as I understand you to say, the owner of the property?—Virtually, eventually the owners pay it.

2853. It is not the poor shopkeeper, or the man who pays his 6 *s.* a week who pays it, but the owner of the property?—With regard to small property, none of the poor people pay rates at all; the landlords, as a rule, pay everything, and if they can get anything back in the way of rent they do, but it is a mere trifle.

2854. Could you state the circumstances of the sewer rate in Liverpool?—It is a very old rate. I never knew it anything but what it is, and it has always been leviable upon the landlord and the tenant. I do not know the Act under which it is levied, or anything about it; I only know that we always deduct it.

2855. And, as a matter of fact, the sewer rate is deducted in Liverpool?—Always.

2856. What is the amount of the sewer rate?—This year it is 2¼ *d.* in the pound upon Liverpool, but it varies in various places; for instance, large sewage works may be carried out in the out-townships, and the out-townships are kept distinct with regard to the rate. Perhaps if I lived at Kirkdale I might have to pay 4 *d.* this year; but the sewerage of Liverpool proper in which I reside being completed, of course the expense is merely for keeping it in repair, and now and then making a slight addition to it.

2857. Have you a definition of the owner in your Act?—Yes, we have a definition of the owner; that is to say, if we cannot trace the owner, the agent who collects the rent on the mortgagee who collects the rent is deemed the owner.

2858. Could you put your hand upon that clause?—I shall be happy to hand in a copy of the Act, because I believe it is rather peculiar, and there are none like it (*delivering the same*). "The word 'owner' shall mean the person for the time being receiving the rack rent of any lands and premises, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack rent."

2859. Then the ground rent is not reached by that principle?—We have no ground rents in Liverpool; we do not know the principle there.

2860. How is the bulk of the land held in Liverpool?—Two-thirds of the parish of Liverpool belongs to the corporation in fee, and their principle is to let it or sell it out on fines for 75 years' lease, which lease is renewable whenever the party chooses; the principle being to charge about a year's rent every 25 years; so that if I have a house of 100 *l.* a year that I have paid the corporation 1,600 *l.* for, which would be about the price; at the end of 25 years, I go and pay my 100 *l.*, and they give me a fresh lease of 75 years for that property. We have the property surveyed and the property may be very greatly increased in value, but we take it by the rental at the time, and not at the time that the lease was originally granted.

2861. When you want land for town improvements you have got it, I presume, easily to your hand?—No; we have to buy it from the tenant just as if it was freehold, with a fine; we have to pay the coporation of Liverpool for it, because the corporation, being trustees for the corporate estate, cannot part with it to the improvement committee without the improvement committee compels them to sell it, and thus re-invest the amount in land.

2862. Are they two separate bodies, the improvement committee and the council?—The one is a committee of the other, but their accounts are kept quite distinct and separate.

2863. As to paving and lighting rates, are they charged upon the occupier in Liverpool?—Entirely.

2864. Has the question ever been raised of putting them on the owner?—I never knew it raised as to either of those rates. It is a singular thing that a gentleman has given notice in the council for to-morrow for a committee to consider the whole question of the incidence of taxation in Liverpool.

2865. In Liverpool you have spent a considerable sum of money, have you not, in pulling down streets and alleys?—Yes.

2866. How have you raised the funds for that purpose?—There were two objects, one was for the improvement of the sanitary condition of the town; and we obtained an Act, some few years ago, authorising us to spend 200,000 *l.*, I think it was, in pulling down an occasional house, which would permit the air to go through a large mass of back property, and in a variety of ways; that is levied by a sanitary rate, and that money is redeemable by a sinking fund in 21 years.

2867. And that is paid by whom?—By the rates; it is part and parcel of the general rate.

2868. Have you got a so-called borough rate, in Liverpool?—No, I am happy to say we have not. The corporation of Liverpool is a very wealthy body, and has a property which yields them about 130,000 *l.* a-year; and that enables us to pay all the little entertainments that we give, receptions of royalty, expenses of the mayoralty, and a variety of other things.

2869. What audit is there of these somewhat large revenues?—We have a regularly paid auditor,

auditor, who receives 500 *l.* a year, who audits the accounts of every committee; and we have, in addition to that, two ratepayers, elected annually on the 1st of March, as auditors; and in addition to those three, the mayor appoints an alderman as his auditor; so that the accounts are virtually audited twice over, the one an audit by a paid officer, to see to the accuracy of the figures, and the other by the burgesses, to see to the general application of the funds.

2870. Does the committee of the town council act as the local board of health?—We have a health committee; we do not use the ordinary Health Act; we have a local Health Act of our own, which is carried out by the health committee, which is part and parcel of the town council.

2871. Do you keep your accounts entirely separate?—Yes, we keep our accounts entirely separate, both the water and the health, watching, and everything else; and indeed all the accounts are kept entirely separate.

2872. Does the town council levy light dues?—No.

2873. Did they ever do so?—They did at one time, when they were trustees for the Liverpool Docks; but, as you are aware, those were transferred to the dock trust, and now it is entirely a separate body; and when it was tranferred the town dues, which used to belong to our corporation, now belong to the Mersey Docks and Harbour Board.

2874. Did you receive a very large sum for it?—Yes, very; we used to receive 130,000 *l.* a year, and the dock board now receive 150,000 *l.*, which was our loss; if you mean, did we receive any money for parting with it, we did; we received about one million and a half; in fact, three millions; because in this way, that in addition to the million and a half they had to pay the debt that was due by the corporation of Liverpool at that time; and we were released from certain obligations to complete the Birkenhead Docks, which would have fully made up the other million and a half.

2875. Have you taken any part as an *ex officio* guardian?—No, I have never had anything to do with the parish matters.

2876. Have you no *ex officio* guardians?—I do not know; I know nothing whatever upon parish matters; I pay my rates, and that is all.

2877. Could you tell us the amount of the general rate that is levied by the local board of health?—The general rate this year is 5 *d.* in the pound, and that general rate is levied for these purposes: to pay the salaries of the local surveyor and staff, the road surveyor, the treasurer, the clerk, the collector, the medical officer of health, the inspector of nuisances, the superintendent of scavengers, cleansing ashpits, incidental costs, and the payment of charges and expenses attending the execution of the Act, and the interest upon the outlay upon that very question about which you asked me before, namely, the improvement of courts and alleys, under the Act of 1864.

2978. What does 5 *d.* in the pound give?—I could not give that. As a rule, 1 *d.* yields 8,000 *l.* a year; and supposing it were levied upon the same area, it would be 40,000 *l.* a year.

2879. How do you manage about police?—The police force is paid for by a rate under some old Act of Parliament, which is limited to a very trifling sum, leviable upon the parish. The vestry pay, I think, 8,000 *l.* a year, and then the corporate fund proper pays the balance. That is one of the charges upon the corporate fund.

2880. Are there any other rates that you levy, besides the general rate, the water rate, and the sewers rate?—Yes; there is the paving, the sewers, the water, the general rate, the lighting, fire, and police; then the various improvement rates, and public parks rate; and, in addition to that, we have not only the poor rate, but the library and museum rate, the parochial rate, which I do not exactly know what it means, and the voluntary rate, which is something connected with the church, I believe.

2881. Is the payment to the police made from the corporate fund equivalent to that which is generally paid by the Government?—No, it is the balance, after deducting what we receive from the Government for each police officer, which I think is 25 per cent. of its cost.

2882. Do you happen to have before you a statement, showing the number of pence in the pound for each of those rates which you have specified?—Yes. The paving rate for this present year is 5¼ *d.*; the sewage rate is 2¼ *d.*; the water rate, 6 *d.*; the general rate, of which I read the particulars just now, 5 *d.*; the lighting, fire, and police, 2¾ *d.* Then there is the improvement rate, under the Act of 1858, of ½ *d.*; under the Act of 1861, of 1 *d.*; under the Act of 1864, of 3½ *d.*; under the Act of 1865, of 1 *d.*; under the Act of 1867, of 1¼ *d.*; and for public parks under the Act of 1865, 3¼ *d.* Then, in addition to that, but which can scarcely be called a rate, is the water rent; that is a commodity which we buy, and we do not call it a rate. The total rates amount to 2 *s.* 7¼ *d.*, exclusive of the charge for the supply of water.

2883. Are all those rates administered by the town council, or by a committee of the town council, which is the local board of health?—No; those connected with the water are administered by the water committee; those connected with the paving, sewer and general, are administered by the health committee; the improvement of the parks rates are levied by the improvement committee; the library rate is, I believe, raised under the parish and not by the corporation, and the library rate, in addition to what I told you before, is 1 *d.* in the pound, being limited to that by Act of Parliament.

2884. Are all those rates levied over the same area?—They are not; the parish has a different area from the borough.

2885. But with that exception, does the borough levy its rates over the whole area?—Yes; but not in the same proportions. For instance, Toxteth Park, Kirkdale, Everton, and Liverpool, may and do all pay on different proportions; those places are part and parcel of the Parliamentary borough, but are what we call out-townships.

2886. And they do not pay in the same proportion?—No; for instance, the paving rate in an out-township is very frequently a very heavy charge indeed from the making of new roads, whereas the roads have been long since made in Liverpool, and there the paving rate is comparatively small.

2887. Then you do follow to a certain extent the policy of charging rates upon those districts that are benefited by the rates?—That is so.

2888. Has that ever led to much conflict in the town council?—The out-townships have often

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wished that the whole should be amalgamated in one rate, but the owners and occupiers of property in Liverpool object to pay for the expenses of the out-townships improvements.

2889. Are there no rates that are more for the benefit for the town itself, than for the out-townships?—I think not.

2890. Have you no part of your borough, not even in the extreme limits, where the land is free and not built upon, where there are market gardens, and so forth?—Liverpool has now so extended itself that the market gardens are all gone, but we have large open spaces in the neighbourhood of Liverpool yet; for instance, Lord Sefton has in the heart of Liverpool about 100 acres which is not built upon.

2891. Is there no portion of the borough of Liverpool where the general rate levied by you as a local board of health is levied in the proportion of only one-fourth on certain portions of property?—Yes; there are exemptions to taxation. There are canals, railroals, the water space of the docks, and a variety of others. I do not think I have the General Act with me, but it limits the rate to 25 per cent., therefore, whether the rateable value is 100 *l.* a year or 1,000 *l.* a year, the rate is only levied at 25 per cent. of that value.

2892. Does that apply to the general rate or to all rates?—To all rates. I do not know any exception to it.

2893. You do not levy a highway rate as such, do you?—I think we call it a paving rate; we have no highway rate specially.

2894. Will you state to the Committee how you collect those rates; whether they are collected at the same time, and whether they are all specified in the demand note?—I should observe that we have nothing to do with the parish; the parish is a separate thing, but all the municipal rates are collected at one and the same time, and every article is specified, and if there is any explanation wanted it is printed at the back.

2895. How many times a year do you levy a rate?—They are generally due on demand. The collector, in cases where there is some difficulty, will take a portion and call again, but there is no legalised instalment principle by which a man can offer you a quarer's rates, and say you may come again next quarter for the rest. In the water rent nominally that is so, but it is never carried out.

2896. Then yours is a yearly rate?—Yes; we levy the rates in February for the year 1870, for instance.

2897. And the whole amount is due at once?—Yes.

2898. Are your collectors the same as the collectors for the vestry?—No; I wish they were; but there would be this objection to that, that they have not to collect the same area.

2899. Have you parishes which are situated partly in and partly out of the borough?—Yes; Everton is a parish, and I presume they collect their rates separately.

2900. Are there parishes partly in and partly out of the borough, with boundaries overlapping?—Liverpool itself is only one parish; the whole of Liverpool is in the parish of Liverpool proper; but when you come to an out-township, such as Toxteth Park, that may be another parish; it is within the Parliamentary borough, it is quite true.

2901. Have you a county lunatic asylum?—Not in Liverpool proper, except one small one connected with the workhouse or the infirmary, I think.

2902. Do you contribute to the county lunatic asylum?—We do very largely indeed.

2903. Do you happen to be able to state to the Committee the arrangements with regard to the lunatic asylum?—The arrangement, as far as I can gather, seems to be this, that for all expenditure upon lunatic asylums, and so on, the treasurer of the county is enabled to issue what he calls his precept upon our borough treasurer, and then the quarter sessions, such as Manchester, Wigan, Liverpool, and I do not know whether Bolton is or not, I think Bolton is, and the whole county being assessed to a particular amount, and the proportions of those various towns known, he just orders them to pay so much a year to him without our having, as I may say, any control whatever over the expenditure. Last year our contribution to that fund was 11,000 *l.*; but an Act in 1856, I think it was, was passed whereby such boroughs as Liverpool, Manchester, Wigan, and Bolton, having a quarter sessions of their own, were allowed to send two justices of the peace from those places to form part and parcel in the committee of justices that meet for carrying out the erection of lunatic asylums; I do not think that any boroughs ever did exercise that power except Liverpool. Last year, when we were called upon to spend 120,000 *l.* for a new lunatic asylum near Preston, Liverpool did appoint myself and another gentleman to represent their interest.

2904. Do you pay for the building of the lunatic asylum?—Yes, our proportion; it is levied by a rate on the county; Liverpool proper pays one-third of the whole of the county rates.

9905. Do you know how much the county rate amounts to?—No, I do not; I know that the erection of this lunatic asylum will cost Liverpool 40,000 *l.*; that only applies to the expenses of the lunatic asylum; I do not think that we pay any portion of the other part of the county expenditure.

2906. Mr. *Acland.*] When you speak of the county, do you mean the whole of Lancashire?—Yes, the whole of Lancashire.

2907. Do you pay one-third of all the county rate?—No; that is our proportion of the expense of the lunatic asylum.

2908. *Chairman.*] The county rate no doubt is levied with the poor rate?—We charge it to our borough fund.

2909. Then it is not paid out of the poor rate with you?—No, not at all; it is leviable upon the treasurer of the borough fund, and if we had not other means we should have to levy a borough rate to meet that charge.

2910. Then lunatics from the borough probably go to the lunatic asylum exactly on the same terms as county lunatics?—I believe so.

2911. But with that you have nothing to do?—Only as a magistrate, that is all.

2912. I mean that those matters are settled between the vestry and the asylum?—No; the county magistrates settle them themselves, and they issue a precept upon our treasurer to pay our proportion, although we are not consulted at all.

2913. That is as regards the expenditure, but as regards the inmates who go there the charge made per head for each pauper lunatic is charged to the vestry, is it not?—It either goes on the

one hand to the vestry, or on the other to the justices. If a prisoner in the goal becomes a lunatic, the justices commit him to the lunatic asylum.

2914. You have in fact only to deal with that portion of the expenditure which is not recoverable from the parish for the support of pauper lunatics?—Quite so.

2915. Mr. *Acland.*] I think you said with reference to the water rate, that it took some little time for the ratepayers to adapt themselves to the system in the Act, how long was that?—No; it took some little discussion as to the propriety of having such a rate, but not as to the adoption of it. It was a very simple affair, because they found immediately their rents so reduced that they were glad enough to pay the rate.

2916. I understood you to say that at first there were certain covenants reserved in the Act, and that after a certain number of years it worked itself out, and I want to know how long that was?—What I mean is this, that at the time the Act was passed, agreements existed between landlord and tenant to pay all the municipal rates, but so far as my knowledge can guide me, I do not know that now those agreements are made to include this water rate. I do not think that such agreements are made in common, I never made one.

2917. How many years did it take to bring that about?—It may exist yet for all I know, because, supposing I had a lease of 21 years, with such a clause in it 10 years ago, it would be 11 years to last.

2918. Still the general practice is to act upon the intention of the Act?—I think so.

2919. How long ago was that Act passed?—It was passed in 1862.

2920. I understand you to say that in Lancashire, and with reference to Liverpool, there is some approach to the representative system by the different boroughs sending up magistrates to the county board?—To the committee for the construction of lunatic asylum is under the Act of 1856, to amend the Act of 1853, the Lunatic Act, and it is only one clause.

2921. Then that committee is appointed, is it not, by the justices of quarter sessions?—The justices of quarter sessions appoint the committee, and the boroughs can add, by the appointment of the recorder, two members from each of those boroughs to attend that committee.

2922. Is that by a special Act of Parliament?—Yes.

2923. Do you find that it works well?—It never has been acted upon until, as regards myself, a few months ago, we then felt that it was very hard that Liverpool should be called upon to pay such a large sum of money for the erection of this lunatic asylum, and that Liverpool should have virtually no voice in the matter.

2924. What proportion do the borough justices bear to the county justices?—It so happened that the other boroughs forgot, or neglected to make the appointment, and there were only two named from Liverpool, who would be as against 12 county magistrates.

2925. Do you think it desirable, as a general matter of public policy in England, that the rates should, as far as possible, be divided between landlord and tenant?—I think this, that it is almost impossible to spend a large sum of money upon the improvement of a town, upon paving and lighting that town, and bringing a large supply of water to that town, without doing the landlord an inconceivable amount of good; his property becomes insurable at a very much lower risk. I have known insurance rates in Liverpool 30*s.* per cent., and they are now 6*s.* per cent.; and if land, which yielded him 30*l.* a-year will now sell at several hundred pounds an acre, the property must necessarily become so enhanced in value, consequent upon the facilities which you bring for people to come and reside there, and therefore making agricultural into building land.

2926. If I understand you, your view would be that, as a matter of justice, it is right that the landlord who is so benefited should feel the rates?—I think so.

2927. But my question was not an abstract question of justice, but had reference to policy; do you think that, with reference to the intelligence and far-sighted management of our system of local rates, it would be politic and desirable that the owners should feel the pressure of the rates?—I think they do; I am one myself, and I feel the benefit of almost every shilling that is spent, and I escape to a great extent.

2928. I presume you think that, if the rates are so divided, the owners should have some direct representation in return for the rates which they pay?—I think they all have got that except those that happen to live a great way from us.

2929. As I understand you, it is in your case indirect, because the ratepayers happen to elect them?—Yes.

2930. But my question is, supposing that Parliament should pass a law that county rates and poor rates and highway rates (I am speaking now rather of country matters than of town matters) should be divided equally between landlord and tenant; do you think it desirable in that case that the owners should be directly represented on the board of management, and not merely indirectly, as they now are, by the election of the ratepayers?—It may be desirable, but I see that there is a difficulty about it. I will assume a gentleman to have a large property in Liverpool, but residing in London, it is no use in electing him on the town council, because he could not attend.

2931. It has been proposed to this Committee by a very intelligent witness, that all those rates of which I have spoken should be equally divided; and he said that he thought that, as a matter of course, the freeholders should have the power of electing half the members of the board; but it does not follow that they would elect non-resident members; they might elect persons on the spot, might they not?—Certainly; I think the proper principle is that taxation should always go *pari passu* with the representation.

2932. Then you think that such a plan would work well?—I think so.

2933. Supposing that that same principle were applied to a good many of those local rates in towns, would you apply the same principle to a town?—I am not competent to give an opinion about the country so much; but I really think, taking it as a broad question, that if all the rates in Liverpool were leviable between landlord and tenant, it would be more equitable than it is now, and do no serious harm to anybody.

2934. Then you think that some plan might be devised by which the board should consist one half of owners and one half of occupiers?—Yes.

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2935. To go one step further, and bring country and town together, do you see any *primâ facie* objection to county boards or provincial boards being formed in which both town and country districts should be jointly represented on reasonable terms?—The principle is accorded by the Act which I have named, the Lunacy Act of 1856; there is a mixture there; and it was evidently felt to be a requirement, otherwise an Act containing one clause would not have been passed. It is an Act of only one clause, to enable ratepaying boroughs to have representation at the county board.

2936. Looking at the course of future legislation on sanitary matters, is it not probable that a great many questions will arise in which both country districts and towns will be very much interested, such as the purification of rivers, the lowering of the water level of large areas of damp districts round towns; are there not points of contract between town and country? — The question arises with respect to the utilisation of sewage; that is one case; but I do not think that towns would like to have to pay the expense of making sewers, and so on, to a farm-house.

2937. That would be a matter of adjustment; my question is whether there are not points of contact in which it is very difficult to separate absolutely the interests of town and country?—So much would depend upon the distance. If you take the village of Wavertree or the village of Everton, then I can quite understand that Liverpool, by enlarging its area, might have done great good; and we asked Parliament to allow us so to enlarge it, but we were refused. Those places are full of dwelling-houses, and we thought that an enlarged district would tend very much to the amelioration of the whole matter; but still that enlargement was of a very limited kind, it was merely extending the radius of Liverpool about a mile and a-half all round.

2938. Mr. *Walter.*] I think you made some observation which you did not quite carry out fully in your answer, to the effect that you thought that local taxation did not fall upon the right shoulders; with reference to the circumstance that many of the wealthy inhabitants of Liverpool do not reside in the borough, but live at a distance from it, and thereby escape local taxation, would you be good enough to explain more fully your views upon that subject?—What I mean is this: that Liverpool, from its position and its wealth, and the largeness of its inhabitants, forms a great focus for business purposes, and a gentleman comes and hires an office in Liverpool, and pays 100 *l.* a year for that office, and he may make his 50,000 *l.* a year in it; but he goes and lives in Cheshire, just across the water, and he pays nothing to the rates of Liverpool beyond the rates that are levied upon his office.

2939. How does he make his 50,000 *l.* a year?—By purchasing goods in Manchester and shipping them off to India or elsewhere, or by commission businesses in 50 ways.

2940. That is not a mode of making money, is it, which throws upon him any special responsibility for the maintenance, we will say of parks, in Liverpool?—No, it does not; but of course Liverpool has numerous inhabitants that do assist him in making this money. You could not go into an isolated place and open an office, although you could write to Manchester for your goods and send them to Liverpool.

2941. Would not the same argument apply to a wealthy member of the Stock Exchange who resided perhaps in Hertfordshire?—The reason I advance that argument is this: that the true principle of taxation is an income tax or a property tax, and therefore you would rather levy upon the profits of a man than upon the mere rent that he pays.

2942. That would involve the principle of rating personal property, would it not, for local taxation?—Yes, I think so, and we have done it in Liverpool; we have levied a property tax for this water rate of which I have spoken.

2943. Mr. *Corrance.*] You say that the landlords do not exact from the tenant this amount of rate which they pay, but do they not increase their rents according to the amount of competition, and the amount of rent that they can obtain?—The rental of property is very fluctuating. At times they have to reduce the rents, and at times they see their chance of advancing them; but taking my own experience and that of a good many other landlords, I never put on an extra rent, simply because Parliament has chosen to put on an extra penny on the Income Tax or the Property Tax.

2944. Perhaps you have hardly taken that into consideration in imposing the rent?—I never think of such a thing. I invariably have the agreements drawn out in the usual way, that the tenant shall charge me a portion of the sewage rate and the water rate.

2945. I presume that you do not charge below the average market rate of rents in your district?—I never wish to charge below, but there is sufficient competition to keep rents down.

2946. Like every other property, a landlord's profits rise and fall from various causes?—Yes.

2947. As you say the increased taxation has fallen very heavily upon the tradesmen of Liverpool?—Very heavily.

2948. And also upon all other householders?—Yes; more especially upon the poor lodging-house keepers, and clerks in offices, and surgeons and professional men, who have not large means; they feel the increased taxation greatly.

2949. And even below that I suppose it would fall upon the labouring class?—When you go below an office clerk, the bulk of the rate is paid by the landlord, and it is worth the while of the landlord to pay the rates.

2950. Under composition you mean?—Yes.

2951. But that composition being still upon half the rent, of course is proportionate to the weight of taxation?—The composition under the sanitary rate amounts to 50 per cent.; and under the water rate to 25 per cent. As a rule, looking at the management of property, a landlord, I think, is prudent who owns this small property if he takes care that no rate collector shall ever go near them, because if he does, and a man is in arrear of rates, he just packs up his things and goes away, and there is no rent received and no rate either.

2952. You have a large immigration from Ireland to Liverpool, have you not?—I do not know that it is has been so very great of late years as it used to be.

2953. Under the present law of removal some of them gain a settlement, do they not?—I am quite ignorant on parish matters.

2954. I suppose that all the rates are increased in proportion to the poor's rate in Liverpool; have you found a gradual increase of your rates?—

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The poor rate fluctuates very materially. The great incubus that we are suffering from now is those various improvement rates which we have, perhaps, hastily gone in for, by improving the town and building works, and creating parks, for which during the next 30 years we shall have to pay.

2955. Mr. *Smith.*] You have stated that you have been obliged to lower your rents in consequence of the increase of local taxation; would you expect to increase your rents if those burthens became reduced?—Inasmuch as those burthens must last for 30 years, I confess that I have not thought about it.

2956. You mentioned that Lord Sefton had a large tract of land which is not built upon in the centre of Liverpool, upon what system is that land rated?—It is not rated at all, I believe. That very land formed the subject of a very important law suit with the Government upon the subject of the succession duty; Lord Sefton contended that inasmuch as he got no rent from that land, he ought to escape succession duty; and he did so, although it is worth some hundreds of thousands of pounds.

2957. Is it devoted to any purpose?—No; there are a few cows grazing upon it, and I should think that 5 *l.* a year would be the extreme that he would get for it; certainly not 20 *l.* It is going to be built upon immediately, so that it will be rated.

2958. Can you tell me what proportion the rateable value bears to the actual net rent received by the owner in Liverpool?—The rating in Liverpool, as a rule, is 10 per cent. below the actual value; a man renting a house at 100 *l.* a year is rated at 90 *l.*

2959. Mr. *Birley.*] With regard to the owners of property in Liverpool, you are an extensive owner; is your property limited to that which you described to us as rented at about 16 *l.* or 17 *l.* a year?—No, I have property of all kinds.

2960. To what limit does the composition extend?—The composition extends, if I recollect rightly, to what is called 13 *l.*, but in reality that 13 *l.* covers 16 *l.* rent; because the Court of Queen's Bench held that in reckoning 16 *l.* you were to deduct all the rates that were leviable; therefore, supposing the rate upon a house was 16 *l.*, that 3 *l.* brought it down to the 13 *l.*, which enabled it to go into composition.

2961. You stated that you paid rates upon that class of property, but you also stated that you escaped rating; did you allude in that case to your more valuable property?—Yes.

2962. There has been a great change in the value of property in Liverpool, has there not, in addition to the fluctuations of trade?—Yes, there has been a great fall at Everton, and a great rise in the centre of Liverpool.

2963. And also at Toxteth?—I do not know that there is much rise in value there.

2964. The Right honourable Chairman asked you whether the municipality of Liverpool was co-extensive with the parishes; is not the parish of Walton a part of the municipality of Liverpool?—The municipality is more extensive than the parishes, and some small portion of Walton may be included, but I think not.

2965-6. Was not Walton the original parish of Liverpool?—It was the original parish; I believe that Liverpool was an offshoot of Walton, but that has been all settled by Act of Parliament.

2967. As regards the water supply; what was the water supply before the Act to which you have referred?—Previous to the Act of 1847 we had nothing but wells under the town.

2968. Then there was no rate, I presume?—No; the supply was in the hands of companies, and then the corporation bought up those water companies, and Parliament compelled them to go for a very extensive reservoir scheme, which reservoirs are situated 30 miles from Liverpool, and which cost them a very large sum of money. They took those reservoirs at Rivington Pike on the one hand, and the pumps on the other; and they bought up the Chorley Waterworks. We are now fairly supplied with water.

2969. Mr. *Gregory.*] Is not this the effect of the system of local taxation, as it stands at present, that upon trades and professions in which the profits are small it falls very heavily?—Yes, I think so, because a trade, or a profession, has to be very frequently carried on in expensive premises, whereas the profits are comparatively small.

2970. Then, on the other hand, businesses of large profit may be carried on in premises of but a limited extent, a mere flat, and may escape local taxation altogether?—Yes; or comparatively so.

2971. *Chairman.*] Do they escape taxation if the owners pay?—No, there is no taxation leviable upon them, but the mere rate upon the office; and that brings this to my recollection, if you will turn to clause 48 of the Act of 1862 you will find the very case which you have put to me. There was a very great outcry, and naturally so, that a shopkeeper in Church-street, we will say, paid the whole of the rates, his shop being a very valuable place, it was very heavily rated for the poor, and we followed that rate and charged him equally heavy for water. Perhaps he had a large shop, and lived in only a couple of rooms, or perhaps he only occupies them for his servants. But after great debate it was agreed, and we got that Act to authorise, that what is so called compound premises, that is to say, a shop where the party resides, should only be charged two-thirds of the rate. So again, with regard to my own office; it was very hard for a man, who only wants to wash his hands once a day in his office, to have to pay the whole of the rate upon 100 *l.* a year, perhaps; and therefore a lock-up shop, where there is no residence in the house, and which is only used as an office, only pays one-third. The consequence is, that whereas my house would pay 6 *d.*, my shop, which I have there, would only pay 4 *d.*, and my office would only pay 2 *d.* It is a peculiar principle, and I do not think that any other town but Liverpool has it.

2972. Have you a ratepayers' association, at Liverpool?—We generally have such a thing, once every two or three years, when the rates get heavy.

2973. I see that the preamble of your Act of 1862 recites, "Whereas large sums of money have, under the authority of the Waterworks Act, been expended by the corporation for the purpose of affording a supply of water within the said borough, whereby the value of all property within the borough has been materially increased, and such property improved and benefited, and it is expedient that the corporation should be empowered to levy a rate within the said borough in respect of such expenditure;"

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that, in fact, is the principle of your Act?—Yes.

2974. Having to levy a large sum of money, you considered that the property acquired an increase of value from that expenditure, and might therefore be fairly called upon to recoup the town a certain portion of that expenditure?—Yes.

2975. Therefore that principle only applies where property has been benefited by a large outlay, and would not apply to such expenditure as the poor rate?—No; I do not think it would; we carried it still further in that Act, because we contended that, whereas the corporation of Liverpool themselves were the parties most benefited by this water supply, we were entitled by that Act to charge the borough fund 2,000*l.* a year in aid of our water rent.

2976. Colonel *Brise.*] You have mentioned that the sanitary rates were 2*s.* 7¼*d.* in the pound when you were giving us the particulars of the different rate under the administration of the municipal council; have the municipal council much control over those rates in so far as they can be either economically or extravagantly administered?—The committee levying those rates is a committee named by the town council, and every member of the town council is amenable to his constituents: and therefore if the health committee are extravagant they are called over the coals by their constituents like other people. That is the only control that I know of. The council itself exercises some control; but it is moral opinion that has the greatest control.

2977. The council, I think you say, are elected from the owners?—From the ratepayers.

2978. But are they the principal ratepayers?—It is the ratepaying that gives that power to vote for the council, but they are mostly gentlemen of some position, and therefore they are sure to be owners.

2979. You complained of the expenditure of the improvement rates, do you think that if there were representation of the occupiers on the municipal council, there would be an equally large expenditure upon those improvement rates?—I think that if they carried out the principle which I sought to introduce into the Bill of 1867, namely, that half the rate should be levied from the owner and half on the occupier, it would have checked the propensity for extreme improvements.

2980. Has not the house property improved a great deal in value owing to this improvement of Liverpool by the improvement rates?—Yes; some of it has in certain localities, but the shopkeepers have benefited very little.

2981. Then the owners have had the benefit of the improvements?—Yes, the owners certainly have; but I think the occupiers have rather suffered by the turning away of the trade from well-known localities during the progress of those improvements. I think the shopkeeping interest has rather suffered than otherwise.

2982. Mr. *Pell.*] Have you a sanitary rate in Liverpool?—Not properly so-called; what you call the sanitary rate would include paving, sewer, water, light, police, and the improvement rate under several Acts of Parliament.

2983. Those all form a class of rate that has reference to health; but, in addition to that, have you not a literary rate;—Yes; there is a 1*d.* rate for the library and museum which is levied by the parish.

2984. Have you another class which we will call repression of crime and pauperism, which would be your poor rate?—Yes.

2985. The highway rate is included in the general rate, is it not?—Yes.

2986. You appear to have another form of rate which is a voluntary rate, to what does that refer?—That, I apprehend, is something connected with repairing the church.

2987. In addition to that you have an endowment, have you not?—Yes; that is to say, our corporate fund.

2988. Who administers the corporate fund?—The town council, under the finance committee; or rather the finance committee under the council.

2989. Who administers the sanitary rate?—The health committee of the town council.

2990. That is another committee of the town council?—Yes.

2991. Who administers the literary rate?—There is a library and museum committee, also of the town council.

2992. The poor rate and pauperism would come under the vestry, I presume?—Yes.

2993. Where would the voluntary rate come?—The voluntary rate the parish make also.

2994. With regard to assessment, is the assessment the same for the sanitary rate as for the poor rate?—Yes; we always follow the poor-rate assessment by Act of Parliament, and whatever it says we have to abide by.

2995. Then the assessment, with regard to the sanitary rate, is not the same over the whole area; is not it modified by whether it is inside the borough or outside the borough?—The assessment will always follow the poor rate where the house is situated.

2996. But the proportion of the rate varies?—Yes, it is a proportional rate.

2997. With regard to the application of what I call the endowment, how is that distributed in relief of those other objects; does any of it go, for instance, towards the maintenance of the poor?—None whatever; the borough fund is not in any way applied to relieve taxation, except to the extent of 2,000*l.* a year, which it pays towards the water rate, and which was specially provided in this Act of Parliament.

2998. What does it do with the rest of its funds?—It pays the general law and Parliamentary expenses, salaries, and stipends, and various expenses connected with the corporation, which left last year a surplus of 27,000*l.* We received 148,000*l.*, and spent 121,000*l.*, which leaves 27,000*l.* surplus.

2999. Out of that, only 2,000*l.* would go in aid of the rates?—That is all. We pay the county expenses, and we pay the gaol expenses; we pay a great many sums out of the fund which otherwise we should have to levy rates for, if we had not this fund to go upon; we pay all the expenses of gaols and prosecutions, municipal elections, and Parliamentary elections, and all such matters.

3000. Do you contribute to the library?—No, not at all to the library, except in this way, that if the library committee should happen to spend more money than the rate yields them, it is always charged to the borough fund, and, therefore, we do contribute in that way; sometimes it is 1,500*l.* a year, and sometimes it is 1,000*l.*

3001. How is that literary rate raised; is it upon the poor-rate assessment?—The literary rate

rate is raised upon the parish assessment like all other rates.

3002. With a separate receipt?—It is collected by the parish in the same bill with the poor rate, which specified what it is for.

3003. How is the sanitary rate collected?—By a body of collectors belonging to the corporation, who collect both the sanitary and the water rates in one bill.

3004. With a separate receipt?—Yes, with a separate receipt and everything separate.

3005. With regard to the sewerage of Liverpool, you said that the sewerage rate varies very much, but there was a separate rate levied outside the old town on the score of new improvements being done there?—Yes, the sewerage rate differs according to the work done in particular localities. The sewerage rate is levied something like we should like to see the improvement rate levied, namely, upon the particular district which is improved by it, and therefore, one district may be heavy and another light.

3006. Do any of them use the old sewers of Liverpool?—Yes, they come into our outfall.

3007. Does the old town make any charge upon the new districts?—No, I think not.

3008. Mr. *Seely.*] When this land of Lord Sefton's which you spoke of, comes into the market for building purposes, the rates to which it will be liable will form an essential element of its value, of course?—No doubt.

3009. Practically, in that case, the land will bear the whole of the burthen of the rates, will it not?—I do not know that that question is gone into to such an extent as that; it might be so inferred. A very close calculator might say, I will only give you 5*s.* a yard for your land, whereas I would give you 6*s.* 8*d.* if there were no rates to pay out of it; but I do not know that, practically, many people go so minutely into those things as that. Lord Sefton, I understand, is going to sell that land upon the principle of ground rents; of course it amounts to the same thing in the long run.

3010. As a practical man, do you not think that in a case of that sort the whole of the rates eventually are paid by the land which is going to be built upon?—It might be argued so; it might be a very good theory, but I do not think in practice it is so.

3011. But in practice it would be so, would it not; a man who is going to build houses would take into account what he would have to pay, and he would give exactly so much more if the rates were less, and so much less if the rates were more?—If he was about to give 40*l.* as it is, he would give 45*l.* if there were no rates, and therefore he would give more for the land; that is a fair enough logical inference.

3012. Mr. *Hunt.*] You have told us that in 1866 you proposed in a Bill which was brought forward for levying an improvement rate, there should be a provision that half the rate should be levied upon the landlord and half upon the tenant, but that that clause was struck out afterwards by the town council, by the casting vote of the mayor; have you got a copy of that Improvement Bill here?—No; it would be the draft of the Bill only.

3013. Were the words "landlord and tenant" used in that clause, or the word "owner"?—I rather think the word "owner" would be used; it would follow, no doubt, the verbiage of the clause in the Act of 1862, from whence I borrowed it.

3014. The clause, in fact, was in accordance with your views upon the subject?—Yes.

3015. In that clause, or according to your view, whom do you mean by the owner?—I mean the landlord; the owner in fee of the property.

3016. In the case of there being a ground landlord, a person having an intermediate interest, and an occupier, who, in that case, would pay the half?—Lord Derby has a great property close to us, and he has let his land upon ground rents; supposing I occupied a house there of 100*l.* a-year, of which 10*l.* a-year was payable to Lord Derby, and 90*l.* a-year to my landlord; it is just the same whether it is paid in two payments or one. I should consider that Lord Derby would have to pay upon the 10*l.*, and the other landlord would have to pay upon the 90*l.*

3017. Then the half which you as the tenant had not paid, would be thrown rateably upon the ground landlord and the intermediate landlord?—No doubt; it would be perhaps more an arrangement between the ground landlord and the intermediate landlord themselves; but I should look to the tenant for my rate, leaving him to get his half as best he could, either from the ground landlord or from the owner.

3018. Supposing there is a loan for improvements, you say that the property would be improved by the works that would be executed under that rate?—I think as a general rule you cannot spend two or three millions of money in a small locality without improving the rest of the property.

3019. Would the intermediate landlord, during your tenancy, get anything from the improvement?—Yes; because supposing the improvement to be considerable, that which was a dwelling-house at 100*l.* a year might be turned into a shop worth 300*l.*

3020. What you say is this, that the intermediate landlord would be able to raise the rent in consequence?—I think so; the ground landlord would not, because his is a different case.

3021. The intermediate landlord would be able to raise his rent upon the tenant, and therefore he would get the benefit?—Yes.

3022. With regard to the ground landlord, would the ground landlord be able to get any benefit until the time had expired?—No; but I think you must look at it in this way, that the very fact of those improvements being contemplated would enable the ground landlord to get a much higher rent in the first instance than he otherwise would have done if this money had not been spent. For instance, we have acres and acres of Lord Derby's land at this moment on sale.

3023. That would not be so, would it, if the improvement was to be executed at the expense of the occupier, and not at the expense of the owner, in which case the ground landlord would not get any prospective benefit?—If he has not already executed his lease, he would be able to obtain better terms.

3024. If the ground landlord got a better rent in consequence of the expected improvements, that would be by reason of a part of the rate for the improvement falling upon himself, would it not?—Possibly so; but we have very little to do with people in that position in Liverpool; nearly all

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all our property is either held as leasehold, which is equivalent to a freehold, in the opinion of Liverpool, or is absolutely freehold; we do not understand ground-rents, as they do in Manchester.

3025. According to your view, the person who had the power of raising the rent upon the tenant would be able to get something out of the improvement?—Yes.

3026. But the person who had not that power would have no option of raising the rent upon the tenant; he would get nothing from the improvement till the term for which he had demised his property had expired?—No. I think, practically, in fairness, it would be the intermediate tenant that ought to pay the rates, without respect to the ground landlord at all; because, as you say, the latter can get no advantage for the 75 years that he has leased his property.

3027. Then it would come to this, would it not, that the only person who had the power of immediately raising the rent ought, in your view, to be subject to the rate?—I think that would be a fair way of putting it, considering the whole subject.

3028. That being so, do you think that it would make any difference to the tenant whether he paid the rate or whether his immediate landlord paid the rate, with the power of raising the rent upon him in consequence?—If such a principle were adopted I think Parliament would be bound to adopt the principle of the property tax, whereby any clause to compel the tenant to pay a portion of the property tax renders the lease void, or renders that part of the lease void.

3029. You would propose that it should be compulsory upon the landlord to allow a deduction?—Yes.

3030. But no Act of Parliament could prevent a landlord raising the rent under those circumstances?—No, certainly not; but I always think that there is competition enough to prevent anything of that kind going on to any great extent.

3031. Who would get the benefit of the improvement during the tenancy; would it be the landlord, or would it be the tenant?—The tenant, supposing it was a 75 years' lease.

3032. Supposing you were occupying a house in Liverpool under a landlord, and an improvement is executed benefiting the property, who would get the immediate benefit of the improvement, would it be you or the landlord?—We should jointly get the benefit, but the landlord in the long-run.

3033. The landlord would have the benefit of the improvement, because it would give him the means of raising his rent; but who would have the personal enjoyment of the improvement?—The tenant would, if he paid for it; or he might have to pay an increased rent for it.

3034. Supposing it is the case of a yearly tenancy, the tenant would have the personal enjoyment of the park, for instance, would he not?—He would, no doubt; but then his landlord would increase the rent in proportion to the enjoyment that he got.

3035. So that the tenant would have to pay for the improvement in the shape of increased rent or increased rate?—Yes.

3036. But the personal enjoyment of such improvement as that would appertain to the occupier?—It would.

3037. Would it be unreasonable that he should pay a rate in proportion to his share of the enjoyment?—I think that the equity of the case would be met, as I said before, by dividing the rate between the two. I think very few landlords would extort the whole of the rate from their tenants.

3038. Supposing that I, living in Northamptonshire, and having house property in Liverpool, let that property to you, and there is a park made which you and your family are in enjoyment of, would it not be reasonable to say that as long as you occupy that house you should pay your share of the interest of the money which was expended in the construction of the park, either in the shape of rate or in the shape of rent?—I should say that the owner and the occupier ought to pay; I never sought to put the whole of the rate upon the landlord, but I sought to put half.

3039. Upon what principle would you make me pay anything as long as you occupied the house?—I think upon the principle that all property receives ultimately an increased value.

3040. At the end of your tenancy?—Yes; but property of which you are speaking is not let on lease, it is only let from year to year.

3041. As long as I do not raise the rent upon you, would it not be fair that you should pay the whole rate?—You cannot justify those things to the extreme point, but it is a general principle; I admit that you, as the landlord, should pay a certain proportion of the rate for the improvement which ultimately improves your property to a very great extent; but a bad state of trade may make the house unoccupied, or 50 other things may happen; there may be fluctuations of that kind.

3042. I grant that ultimately it will improve the property, but until the advantage accrues to the owner of the property by reason of his raising the rent, would it not be fair that the occupier of the property should pay the whole of the rate?—I do not think so myself; perhaps I may not be able quite to justify what I say, but I do not think that the occupier should pay the whole of the rate. I think that the ultimate value of the property should pay more, considering the whole question.

3043. Supposing you had a person in the position of a life tenant, and he is interested in a leasehold property; do you think that during a lease that has been granted by him or his predecessor any part of the rate should fall upon him?—I am scarcely prepared to answer that question.

3044. I see that objection was made in the town council to your proposition, because the expression used in the report of the debate is that it would work very awkwardly in the case of existing leases; would you propose that where property is held upon lease, the landlord should pay any part of the rate till the lease was up?—Certainly not. We reserved all such clauses in the Act of 1862, that whenever any agreement existed, nothing in the Act should affect it. I was not present at the debate, and I could not explain all my reasons to the council; otherwise I am convinced that the council would have carried it. As it was, it was only lost in my absence by one vote.

3045. Mr. *Ayrton.*] Do I understand that it is your opinion that no dealing for the renting of land for building purposes, the landlord obtains what may be called the balance as the value of his land after all considerations of the profitable use of the land have been taken into account?—If

—If I understand rightly the question, it is something like an honourable Member propounded to me just now; assuming that Lord Sefton had a lot of vacant land to sell, if there were no rates payable at all he would get so much more money for his land.

3046. Is it your view that the measure of the value of the land to be let on building leases, is the residue that will remain after taking into account all the circumstances of the profitable use of the land?—If all builders and speculators in land had had good logical educations and made those calculations, I have no doubt that that would be the fact, but practically it is not so, there is a little competition; one man thinks he can make more of the land than another, and the ingredient of the taxation does not come so immediately into his mind as it ought to do, perhaps.

3047. The letting of land, like anything else, is the result, is it not, of haggling in the market between both parties to the bargain, which no person could refer to any positive quantity?—A great deal.

3048. In considering the question of who should bear the burthen of the rates, have you considered the difference between payments that are made for the purchase of freehold property which will be held by the community in perpetuity, and the charge for the annual use of the property, do you see any distinction in the incidence in that respect?—I scarcely follow the question.

3049. In connection with the purchase of parks, or building a workhouse, and various other matters of that kind, there are always two elements, one is the acquisition of the freehold, and the other is the annual charge for the use of the property; do you recognise any distinction between the liability to pay for the freehold acquisition, and the liability to pay for the annual charge?—No; for this reason, that all the charges for acquisition fall on the borrowing powers of the Act for which the rate is levied, including its redemption, so that in 30 years those rates will cease; but in the instance of the maintenance of the park, this will fall upon the borough fund, which is ample to provide for such a contingency.

3050. Does not the acquisition of the permanent freehold rather become an incident upon the owners, the freeholders of the locality, whilst the charge for the annual use of the property is a charge upon those who annually use it?—Yes; and supposing that to be carried out properly, one rate should be levied, half upon the landlord and half upon the tenant; that would only apply to those improvement rates which tend to the acquisition of property; the tenant would also have to pay the further rate for the maintenance of that park; it would not be the landlord at all.

3051. Do you think that the landlord or the owner of the freehold might well be called upon, at all events, whatever your other views may be, to pay for the acquisition of freehold property which would be held by the community in perpetuity?—That would be so; but it can only be held for the benefit of the property, or the residents of that property; it is not divertible to any other thing than a park.

3052. Is not that a reason why the owners of the freehold should pay the charge for acquiring the property?—I think so; I think that you cannot do as we have done, buy a park of 350 acres without largely improving the property of Liverpool.

3053. In your Water Act you define the "owner," do you not, as the person for the time being receiving the rackrent of the land, whether on his own account or as agent or trustee for any person?—Yes.

3054. So that you do not go into the act of ownership, but you merely have to do with the person receiving the rent?—That is all we care for. Supposing that the property was in the hands of a mortgagee, who received the rent, we should come upon him for the rate.

3055. Therefore, being a poundage rate, into whosesoever hands a portion of the rent would go, there would be a pound per-centage following that rent?—Quite so.

3056. Mr. *Gregory.*] When you speak of the water rate being thrown partly upon the landlord, I presume that is regarded by them as a sort of income tax?—It is virtually a property tax.

3057. As you are aware, with respect to the property tax, the party paying it deducts it from the mortgagee or from the ground landlord, as the case may be?—Yes.

3058. That principle does not apply here, does it?—It does not quite to the same extent.

3059. From what you said, may I not assume that that would not be an unjust principle?—I have not thought over it to that extent, and I would not like to express an opinion as to whether a mortgagee should be taxed for local improvements.

3060. Would not that follow, upon the principle upon which you tax the owner?—Abstractedly it would; but I have not studied it with that view.

3061. You tax the owner, do you not, because you improve the value of his property?—Yes, but it does not improve the value of his mortgage.

3062. You improve the value of his security, do you not?—Yes, to some extent.

3063. *Chairman.*] With respect to what you said about improvement rates and the benefiting of property, would you modify your evidence in this way, that there are improvements, so-called, which do not benefit any particular person at all, in the way of giving them an actual tangible benefit?—No, only generally. There are many such improvements; take, for instance, the improvement of Church-street, making it 10 yards wider. Individually, I do not know that that benefited anybody, but it benefited the appearance of the whole town.

3064. But do you think that an occupier, who lived in a part of the town two miles off, would have any more practical benefit from that than the owner of property in the town?—No; except that a town, which has been made handsome from time to time, attracts a greater variety of people to it, and gives it a name and status, which it would not otherwise have. I believe that the parks will be a great benefit to Liverpool in that way. At present, a gentleman who makes his fortune in Liverpool generally goes and lives at Cheltenham or elsewhere, simply because there is nowhere for his wife to show her carriage in Liverpool, and there is no Rotten-row, or any place of that sort, which certainly do, amongst other things, attract people to London, and we hope that by-and-bye there will be those attractions at Liverpool, and that people will not go away.

3065. That

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3065. That would not benefit the owners quite as much as the occupiers?—Quite as much.

3066. Generally, what you maintain is, that the owners benefit as much as the occupiers by this outlay that is made upon the town?—Yes, I think so: and I am borne out by much greater evidence than my own, Mr. Gladstone's, and others who have all studied the question.

3067. As regards Lord Sefton's building land, supposing it were divided into two parts; supposing that the boundary of the parish ran through it, and that houses built upon the one part would be subject to rates of 5 *s.* in the pound, and houses of a precisely similar size and kind built upon the other part would only be subject to rates amounting to 1 *s.* in the pound, would not the land, subject to the lower rates, be distinctly worth more than the other?—It is a very broad question, and of course it would require a good deal of thought to answer it.

3068. What I mean is, two plots of ground, the one being liable to be rated, when covered with buildings, and the other not liable, would not one let for more than the other?—Doubtless.

3069. That, therefore, would be the exact difference in the rent, would it not?—I think that would be a fair inference.

3070. And in that case, therefore, it would come out of the owner's pocket?—Quite so.

3071. But in starting any building operation, if the difference in the rates on two different pieces of land could be brought out prominently, the taxation would be a distinct element in the price which a builder or a speculator would give for the land?—As I said before, it is a very fair logical proposition. I do not think, practically, it would have an effect to that extent.

3072. If the one were a highly-rated parish, and the other not rated at all, would not a builder without any logical education, take that view?—No doubt.

3073. Mr. *Ayrton.*] You are of opinion, are you not, that the primary incident of the value of building land is in proportion to the disposition of persons to spend money upon the land?—Yes.

3074. And just in proportion as they will spend a larger amount upon it, does the land become more valuable?—Yes.

3075. *Chairman.*] Are you aware how they manage the improvement rates in the United States?—I have heard a gentleman state in our town council that the improvement rates are levied in districts; the particular district to be improved pays the rate that is spent upon that particular spot.

3076. Mr. *Ayrton.*] Could that statement be borne out by the latest improvements in the United States, the New York improvements, for example?—Mr. Rathbone, who is a member of the town council, and brother of the honourable Member for Liverpool, told the council in my hearing that it was so, and mentioned New York as an instance.

3077. *Chairman.*] No doubt there would be some improvements that might be charged upon the district, but can you not conceive that there are others of such a nature as to make it difficult to fix upon a particular district to charge it on?—Yes, that might be so.

Tuesday, 26*th April* 1870.

MEMBERS PRESENT:

Colonel Brise.
Mr. Fielden.
Mr. Goschen.
Mr. George Gregory.
Mr. Hunt.
Sir James Lawrence.
Sir Massey Lopes.
Mr. Pell.
Mr. St. Aubyn.
Mr. Charles Seely, jun.
Mr. Wheelhouse.

The Right Honourable GEORGE JOACHIM GOSCHEN, in the Chair.

Mr. Elias Pitts Squarey, called in; and Examined.

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3078. *Chairman.*] You reside in Wiltshire, near Salisbury, do you not?—Yes.

3079. And you have also a place of business in London, I believe?—Yes, as a Land Agent in London, and as a Farmer in Wiltshire.

3080. You are a tenant farmer of 1,100 acres, are you not?—Yes.

3081. And you are also a land agent and valuer?—Yes.

3082. In what counties have you mainly had experience?—Nearly throughout the whole of the south of England; and I have had some experience in Cumberland and Westmoreland as well; but the middle and south of England I know very intimately indeed as a land agent.

3083. Have you been a guardian of the poor also?—Yes; was a guardian of the poor for something like 18 years in the Alderbury Union.

3084. Have you considered the subject of local taxation at all?—It has been forced upon my attention both as a tenant farmer and as a land agent.

3085. Are you of opinion as a tenant farmer, that the poor rates are paid by the owner or by the tenant?—They are paid obviously by the tenant, but they are borne ultimately by the landlord.

3086. Will you explain to the Committee what you mean by saying that they are borne ultimately by the landlord?—I mean that when a tenant farmer is contemplating the occupation of a farm, he seeks to know what the gross outgoings for that farm will be; and seeing that the rates, and possibly the tithes and other payments analogous to them, form part of the outgoings, he calculates what proportion of those would be borne by himself, and he gives his landlord so much the less rent in consequence.

3087. Do you believe that in the case of tenancies not held under lease, but held from year to year, the rents are frequently changed, in consequence of the gradual increase of their local rates?—I do not think that they are frequently changed, but the gradual increase of local rates points to this action, that the tenant observing from time to time the gradual increment of his contribution to the rates generally, ultimately, when it has reached a certain point which he feels to be beyond the average which he ought to bear, and which he contemplated when he took the farm, raises the question with his landlord; but of course, if he thinks that his farm is more cheaply rented than the common market value, he hesitates a long time before raising the question with his landlord under those circumstances.

3088. Do you think that it is generally the case that the raising or lowering of the rent, in consequence of the increase or decrease in the local taxation, is reserved until there is a new tenancy?—I think it is reserved until a new tenancy or some great occasion brings the question to the surface between the landlord and the tenant.

3089. Do I rightly understand you to hold this opinion, that when a rise of rates takes place, subsequent to the date of the tenant taking over the farm, weighs upon the tenant, it very rarely comes out of the pocket of the landlord, so that the additions made to those rates during his tenancy are practically borne by the tenant?—All above the average is practically borne by the tenant.

3090. If the rates were to increase 3 *d.* or 6 *d.* in the pound during a certain number of years, he would have to wait some time before he would ask for a re-adjustment of the rent?—Certainly; our experience hitherto has been that other external circumstances have concurred at the same time with the increase of rates; probably there is a gradual rise in the value of the land during the time that the increment of rates has been obtaining, and that has prevented the question cropping up so certainly and so definitely as it would have cropped up supposing that no increase in the value of the lands held had arisen.

3091. Stating the case quite broadly, in your opinion a certain proportion of the increase of local taxation comes out of the pockets of the tenant?—I think most distinctly that is so.

3092. The fact being that although it comes ultimately out of the pocket of the landlord, there is a long course of time during which it comes out of the pockets of the tenants?—Certainly that is so. I am speaking especially with reference to annual tenancies now.

3093. In the case of leases the increase of rates never comes out of the landlord's pocket?—It is bound to come out of the pocket of the tenant until the expiration of the lease, and the re-adjustment takes place.

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3094. Will you state your opinion to the Committee upon this point; supposing that by Act of Parliament a portion of the rate, or the whole of the rate, was to be put upon the landlord, due regard being had to existing tenancies, would that be any relief to the occupier?—As regards existing tenancies, it would be a relief *pro tanto*, although not to a very large extent; but I think that the payment of a portion of the rates by the landlord would remove a sense of oppression and fancied wrong on the part of the tenant, that I, for one, should be very glad to see removed.

3095. Mr. *Hunt.*] Are you speaking now of poor rates only?—Of all rates. I am speaking of local taxation generally.

3096. *Chairman.*] Do you think that in the mind of the tenant there is a distinction drawn between the county rate, for instance, and the highway rate, and the poor rate?—Not at all; they mix them all up together.

3097. Is there not a feeling of oppression as regards the county rate, that they have no share in the administration of the fund, whereas in the case of the poor rate they have a share in its administration?—I do not think that that feeling exists in the great body of the agricultural mind; I think that it exists in Chambers of Agriculture, and is, to a certain extent, fostered by recent discussions, but I do not think that it is of very much value. As a matter of feeling and justice, I should be disposed to concede the point, that the contributors to the county rate should be represented up to a certain point in the distribution.

3098. I think you said, as regards existing tenancies, that that would remove a sense of oppression?—I would hardly call it by so strong a term as a sense of oppression, but I think it is rather an uneasy feeling. When the rate collector calls on a tenant farmer he finds that his rate is gradually increasing, and he thinks that some one is responsible for it, and that he ought to bear a part of such increase.

3099. Have you seen that argument which is sometimes put forward, showing the way in which local taxation bears upon the farmers' profits?—I have seen it.

3100. How is an argument of that kind compatible with the rate coming out of the pocket of the landlord?—I think that the reasoning on which that argument is based is quite unsound.

3101. If it is true that what may be called the permanent average rate comes out of the pocket of the landlord, it cannot at the same time come out of the pocket of the tenant?—Certainly not; I think that the whole reasoning is unsound in that direction, except that where agreements are made, if there is an excess of taxation plus the average, that is the only item to my mind which is at all to be complained of by the tenant.

3102. Pointing, therefore, to the same result which you have indicated before, that the permanent hereditary burden, so to speak, comes out of the pocket of the landlord, whilst the increase comes out of the pocket of the tenant during his tenancy?—Obviously so.

3103. The grievance of the landlord and the tenant as regards that taxation would be limited to that excess, whatever it may be?—It would be simply limited to that excess.

3104. On the other hand, the decrease would go into the pocket of the tenant?—Obviously. I could give an instance where that is the case under the operation of the Union Chargeability Act.

3105. Would the landlord ask for a higher rent in consequence of a decrease in the local taxation?—I, as a land agent, most distinctly should advise him to do so, and he certainly would obtain it.

3106. But as a matter of fact, are landlords in the habit of doing that with what are called the permanent tenants?—I do not think, with the decrease of rating that would accrue to a tenant under the operation of the Union Chargeability Act, a landlord would ask his tenant at once to contribute the amount in the shape of increase drent, but when any readjustment of the whole question of rent came to arise, if the decrease were 4 *d.* or 6 *d.* in the pound, some tangible definite sum, obviously the landlord would gain the benefit in that case of the decrease.

3107. Would you, as a land agent, say that the landlord would not in some way be obliged to decrease his rent if there were an increase in the local taxation?—Yes, certainly; the landlord would be obliged to decrease his rent if there were an increase of local taxation, provided that concurrently with that there had not been an increase in the value of the freehold itself.

3108. As a valuer of land would you say that there has been a gradual increase in value?—Yes, most distinctly so, on the broad average there has been a considerable increase in value.

3109. So far as you are aware, from that additional value, has there been any increase in the farmers' profits?—I am disposed to think not. There are certain classes of farm profits which have increased. I think that the dairy occupant and grazing occupant have increased their profits, but in the average of large agricultural holdings, for instance, the Lincolnshire holdings, which I may take as the largest, I do not think that there has been any increase. I am rather disposed to think, on the other hand, that the per-centage of profit has been diminished.

3110. When you say that, do you take into account the outgoings of the farmer on account of the increase of taxation?—I take the case broadly.

3111. Then you do not say that the profits have decreased as the taxation has increased, but that the amount of profits may have decreased in consequence of the increase of taxation?—I think that the profits have decreased *pro tanto* by the amount of increased taxation, but that would be a very small element.

3112. Do you draw any distinction between classes of rates, namely, those which are simply a burden and those which may improve the holding?—In valuing land I should not do so, certainly; I should not make any difference in estimating the value of property, but I might say, in dealing with a tenant, "It is quite true that you pay the police rate, but you get increased security for your property and for your family as well, and there is a reflected benefit derived from the burden in that direction." Of course he gets it in common with other people who do not contribute to it at all.

3113. Would you say that there is a general impression abroad in the minds of two classes of people, that each class is itself paying one identical rate, the owners knowing that they pay it ultimately, and the tenants thinking that they pay it, because it is paid by

by their hand?—I am sorry to say that I think the impression is very prevalent.

3114. The tenants complain of their being burdened by taxation, and the owners complain of the same taxation as coming out of their pockets?—I do not think that the error is so prevalent in the minds of the landowners as it is in the mind of the tenants, generally speaking.

3115. Is that because, in your opinion, the landlords are right in believing that ultimately it comes out of their own pockets?—Yes, I think that the landlord believes it from his better education; and he sees more clearly the operation of the system of rating, whereas the tenant simply looks upon the rents and the rates; up to a certain point he is educated, but in an unsound way, and he looks upon them as being separate payments. For instance, a tenant will frequently call the tithe a burden upon himself, whereas it is obviously no burden upon him; as regards himself, it does not affect the question in the remotest degree.

3116. Would you be able to state your impression as regards any particular county, as to what increase there has been upon what may be called the average rates?—I do not think that I could mention any particular county; but I have taken what I conceive to be the mathematics of a parish in the Alderbury Union, near me, which I think would be a fair average one, and I find that the expenditure of that parish has increased 24·9 per cent. from the two years 1847 and 1848, as compared with 1868 and 1869; that is to say, the contribution by the parish, in the shape of rates for all purposes, has increased 24·9 per cent. in the 21 years.

3117. Mr. *Hunt.*] Could you give the Committee the increase under different heads?—No, I could not.

3118. Could you say, roughly, under which head it had increased most?—I should hardly like to commit myself to a statement upon that point as to how the increase has arisen; but I do not think that it has arisen in the administration of the poor law, in the actual relief; it is rather in externals.

3119. *Chairman.*] Are there any new rates?—The greater increase, I think, is in the shape of police rates, and slightly increased county rates, and in the contributions, which practically are county rates, for the construction of a lunatic asylum, and things of that kind.

3120. You have no lighting or paving rate, I presume?—None at all.

3121. There are no rates for the improvement of the town part?—None at all; this would be an exclusively agricultural parish.

3122. Mr. *Gregory.*] Are you speaking now of only one parish?—Only of one parish; and I take it simply as being what I conceive to be as fair an average parish as I know.

3123. *Chairman.*] Can you tell the Committee about the highway rate; have you adopted the Highway Act?—Yes, we have adopted the Highway Act in the union of which this parish forms a part.

3124. Did you pay highway rate previously?—Yes.

3125. But have you abolished the tolls?—There were no turnpikes at all in this particular parish; the roads were entirely maintained by the parish, so that any conclusions as to the increased expenditure under the Highway Act would be very fair.

3126. Has there been an increased expenditure?—Yes, certainly, but with many corresponding advantages.

3127. This all goes to account for the increase, 24·9 per cent?—It is one of the elements of increase.

3128. The highways, the lunatic asylum, and the police rate, are also elements of increase?—Yes, those are the chief elements.

3129. Do you think that if the owner had to pay the rates directly out of his pocket, or a portion of the rates, he would take more interest in their administration?—Theoretically, I think he would; but, practically, I do not think that he would take a great deal more interest. There are some expenditures which occur, for instance, in the general character of buildings, in which he would take an interest; but one of the things which gives occasion to the tenant farmer to complain of more than anything else is the frequent extravagance in the putting up of county buildings, such as lunatic asylums, and things of that kind, in which there is frequently greater attention to architectural display than need be; there are no instances of extravagance on police stations that I know of; but still there might be a feeling that the tenant farmer would disregard all architectural additions to buildings; he would simply ask to get so many cubic feet at the cheapest possible rate.

3130. Do you think it would be a fair arrangement that the landlord should pay one-half of the rates and the tenant pay the other half of the rates?—Yes; I think that one-half the increase beyond the average is an idea that strikes me as being the fairest way of meeting the difficulty.

3131. It would practically come to the same thing, would it not, whether he paid half the excess, or whether he paid half the whole?—It is precisely the same thing; but to simplify the matter it occurs to me that it would be easier to arrange that the tenant, at his audit, should produce to his landlord vouchers for the expenditure of so much in the pound on the property which he holds; and that, with regard to any surplus beyond 2 *s.* 4 *d.* or 2 *s.* 6 *d.*, or whatever the nominal average rating might be, the landlord should contribute one-half of such surplus.

3132. Would it be a part of your plan that the landlord should be recouped by the tenant for any decrease?—Obviously, it follows as a natural law that he should do so.

3133. Then it would be practically recognising this fact, that the whole rate is to come out of the pocket of the landlord, except so far as the tenant is to have an interest in one-half of the variations?—Yes, precisely so; it is part of the original conclusion that the landlord does bear the whole burden ultimately.

3134. You would think it desirable, would you not, that the tenant should retain a certain interest in the increase or decrease of the local expenditure, at all events as long as he has a voice in the administration?—I think it most important that he should retain a certain interest in it, although the interest is diminished by the Union Chargeability Act. I am speaking now of all rates.

3135. Would you prefer the plan by which all rates should be laid in the manner you describe, or one in which you might deal differently with the different rates; for instance, that the parochial rates should remain upon the tenant, whereas the whole of the county rates should remain upon the landlord?—I think it would lead to immense

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difficulties in the administration if there were a new apportionment of the different rates; I think it is better to deal with the case broadly, and to apportion the difference between the surplus or the decrease, as the case might be, between the landlord and the tenant.

3136. You would not go into detail as to the purposes for which those rates are applied?—Most distinctly not.

3137. For the sake of simplicity, I mean, in making the calculations?—I think that as between the two parties, the landowner and the tenant, the directions in which the expenditure may be applied are matters of complete indifference.

3138. Can you tell the Committee anything about the drainage rates of Kent and Sussex?—No; I only refer to them to illustrate the principle which I would apply. In the drainage rates of Kent and Sussex, over the Romney Marshes, and the levels of that district generally, and the estuaries which flow up into Kent and Sussex, the rule usually is that the scots, as they are termed, that is to say the cost of maintaining the banks, cleaning the ditches out, and seeing that the water-way is kept in proper order, are borne up to 2 *s.* 6 *d.* per acre by the tenant, and any surplus beyond that is borne by the landlord.

3139. Are there many places where the amount of the drainage rates is 2 *s.* 6 *d.* per acre?—It is only over a limited area, the area of the actual marsh itself; it does not apply to the areas of the upland too.

3140. How is that expenditure controlled?—That expenditure is controlled by commissioners who are appointed by the contributors.

3141. Mr. *Gregory.*] Is not that very exceptional; it is very rarely that the rate does exceed 2 *s.* 6 *d.*, is it not?—Very rarely; in an experience of some 12 or 14 years, I think we have allowed an excess beyond 2 *s.* 6 *d.*, about two or three times, and then to a very small extent only.

3142. *Chairman.*] But the principle is admitted there of the rate being paid by one person and the excess being paid by another?—Yes; the tenant limits his expenditure to 2 *s.* 6 *d.* per acre, but it would be really not more than 1 *s.* in the pound practically.

3143. Could you give any other illustration of your plan?—I do not know that I can give any other illustration. We have three large agencies in the Tisbury Union, and I know that in that union a new workhouse was very seriously demanded by the Poor Law Board. It was obviously a necessity, but still the tenants objected very much indeed to the expenditure, and ultimately, after some discussion, it was arranged that the landowners would pay one-half of the rate which should be levied for the cost of the erection of the new workhouse, and it has given great satisfaction.

3144. With regard to the attendance of *ex officio* guardians, do you think that the *ex officio* guardians take the same interest as they would if they were directly elected by the ratepayers?—I do not think that they take quite so large an interest as they would take if they were actually interested in the expenditure; according to my experience of the *ex officio* guardians, there are some who attend to their duties very properly and very well indeed, and they are most useful members of the board of guardians; but too frequently they only attend when there is an election or any question that involves the service of some friend.

3145. Is the present position of the *ex officio* guardians at all impaired by the fact that they are supposed to be administering money to which they do not contribute?—I think so; I think it deters many *ex officio* guardians from attending. Owing to my continued absences on business, I have got my rector appointed a guardian of my parish. He would have a feeling of delicacy about voting for any increased expenditure, because the other guardians may feel, very naturally, that he is a very small contributor to that which he is spending; and I know that that has operated frequently with *ex officio* guardians, that they have thought that the elected guardians look with some jealousy upon the views which they take as to expenditure, seeing that they contribute in so remote a degree to it.

3146. The foundation of the position of *ex officio* guardians being that they generally are the owners of property?—Quite so. They are occasionally not owners of property, and it would be in those special cases where it would apply so significantly.

3147. But, broadly, you make the statement generally, that the *ex officio* guardians more or less represent the owners?—Undoubtedly they do.

3148. But they represent them in an indirect form?—Yes, quite so.

3149. The payment by the owners is indirect, and their representation is indirect?—Quite so.

3150. Do you think that it might be desirable to give them a more direct interest in paying the rates, and a more direct position as administrators?—I think that it would remove any disposition or any feeling of jealousy on the part of the elected guardians, if it was so arranged.

3151. Are you a member of the Highway Board?—Yes.

3152. Do you think that the owners should pay a part of that rate—I think that the highway rate should follow the rule of all other cases.

3153. Has there been any feeling in the counties with which you are acquainted, as regards the county administration, that it is in the hands of persons who are not elected by the ratepayers?—I think there has been a vague undefined sort of feeling of grievance about it; but I do not think that it ever has or that it ever would take any very marked or definite shape; but for the sake of avoiding any question upon the matter, I think that a certain proportion of elected guardians of unions might very properly be imported into the county boards.

3154. Would it recommend itself to your opinion that if there is any change introduced by which a portion of the rates is put upon the owner, the owners and the occupiers should be distinctly represented in the bodies administering those rates?—As a matter of principle, I think so, certainly.

3155. So that you would give the owner a better position as regards the administration of the poor law, and you would give the occupier a better position as regards the administration of the county rate?—Yes; but that would not be a matter which I should contest very greatly. Really it is rather an extension of the principle than any very great occasion for it.

3156. Mr. *Hunt.*] You stated, did you not, that you would like your plan of debiting the landlord

landlord with half the increase of the rates, and crediting him with half the decrease of the rates, to apply to the case of all rates without any distinction?—I think so.

3157. Is there not a great distinction as regards the permanent improvement of property to be derived from the expenditure of the different kinds of rates?—Yes; that applies particularly with regard to the highway rates.

3158. Take the most important rate, the poor rate, it is no permanent improvement of property to spend in a particular period a large sum in the relief of the poor, is it?—I can conceive a permanent improvement to arise.

3159. You are now speaking of buildings, are you not?—Excluding buildings, there is no permanent improvement.

3160. Supposing you gave a large amount of relief to the poor at a particular period, it would be no permanent improvement to the property in which those poor were domiciled?— It would improve the existing administration of the poor law, but would not be a permanent improvement to the property.

3161. Say that there are a certain number of persons to be relieved on a board day, an additional sixpence a week to the allowance in each case would be no permanent improvement, would it, to the property within the area of that union?—No, certainly not.

3162. It would be an increase of charge to the ratepayers who had to pay the difference?—Certainly.

3163. But the landlord could derive no possible benefit from it, either at the present time or hereafter?—None. I should be rather disposed to think it might be ultimately a damage, because it would induce paupers or quasi-paupers to settle in a union where they thought there was unusual liberality in the administration of relief.

3164. In the case of buildings for the purposes of the poor law, there would be an improvement in the value of the property, would there not, supposing that substantial buildings were erected at a particular period, because it would relieve the property from any charge with respect to buildings for some time to come?—Yes; I assent to the extension of that point in this way, as in the case of the Tisbury Union. The Tisbury board of guardians could not comply with what I might call the letter of the law, the dry formula of the application of the powers of the Poor Law Board; but I contend that a rigid carrying out of the law would tend very much to the mitigation of the ultimate pauperism, and consequently would be an ultimate benefit to the whole property.

3165. Who would have the greatest power of controlling the amount of out-door relief that would be required, the owner or the occupier?—That would depend very much upon the number of elected and *ex officio* guardians who might attend.

3166. Who would have the power of throwing the greatest number of people upon the rates, the owner or the occupier; the occupier is a much larger employer of labour than the owner, is he not?—Yes; but under the Union Chargeability Act I do not think that that feeling operates in the remotest degree with the employer of labour, or with the landowner.

3167. But if the occupier could throw upon the owner half the charge of any temporary increase of rate, would you not expect that the occupier would be less careful about throwing persons out of employment, and so bringing them upon the rates, than he is at present?—That would have operated under the old parochial system, but I do not think it would operate now.

3168. Have you been a guardian since the Union Chargeability Act came into operation?—Yes.

3169. Do you find the same attendance of guardians as before?—Yes; I think our board is as large, and the attention given to individual cases quite as great as it was before.

3170. Have you heard of any other unions where that has not been the case?—I have not, and I have never heard the question raised.

3171. You think that in your own union there is the same attention to economy as there was before that Act passed?—Distinctly there is the same attention to economy; but I should say that there had been a rather more generous treatment of individual cases.

3172. But that generosity of treatment, be it right or wrong, has tended, has it not, to increase the rates?—No doubt it would do so; but I think, on the other hand, the workhouse test has been more rigidly applied than it was before. I think that there has been less individual feeling in the administration of the law under the Union Chargeability Act than there was previously.

3173. With reference to the highway rate, do you consider that the improvement of the roads is a permanent benefit to the properties through which they pass?—Most certainly.

3174. Then, so far as regards the highway rate, the owners would have a more direct interest in the matter than they would with reference to part of the poor rate which is applied to the relief of destitute persons?—Certainly.

3175. As regards the county rate; the county rate is levied for several different purposes, is it not?—Yes.

3176. And part of those purposes may be considered to be a temporary benefit, and part a permanent benefit?—I hardly apprehend the temporary benefit.

3177. For instance, if you take the police rate, with regard to the number of the force, probably that affects the comfort and the security of persons who are living within the county at the time when that force is so employed?—Certainly.

3178. But it does not affect the comfort and security of a future generation?—No, except as showing the impossibility of crime; it would affect it so far as that.

3179. Still that would be to a very small extent?—It affects the value of property to a very serious extent. A locality where there is no theft, and where vagrants do not abound, is much more valuable in the market than where they are frequent.

3180. But as regards the buildings for police stations, and so forth, the increase of rate for the purpose of providing such buildings adds to the value of property by way of relieving property in future time of the burden of repeating the same process?—Certainly.

3181. And the same remark would apply to the case of lunatic asylums?—Obviously; they all come under the same category.

3182. Would not it, in your opinion, be reasonable to make a difference in throwing a part of those rates upon the landlord, between those

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which are of permanent value to the property and those parts which are of no permanent value to the property?—If the amount were of a very serious character I should say yes; I recognise the principle which you suggest, but I think that the smallness of the amount that would be contributed in that way would not warrant the separation of the two amounts.

3183. With regard to the county rate, are you aware that the greater part of the county rate is levied without any discretion on the part of those who administer the rate?—Clearly so.

3184. But is it not the case with regard to the part which is discretionary, that the administrators of the county business have the strongest motive to economy?—I quite think that they have; I think I have recognised that in my replies to the questions of the Right Honourable Chairman; I do not think that the question of the necessity of electing representatives of the expenditure from the guardians is a matter of great importance; I only conceded it as a matter of principle.

3185. Do you think that it would tend in any way to economy, and that the pockets of the ratepayers would be better protected if they had elective representatives on the county boards than they are at present under the administration of the magistrates?—I do not think that that would make any difference at all.

3186. With regard to the county bridges, do you think that there is any unnecessary expenditure upon them by the magistrates in quarter sessions?—No; as I said before, I think that the county funds are most judiciously and economically administered.

3187. There is one point, is there not, in which you think that there might be more economy, namely, in the expenditure with regard to the style of architectural buildings which have been erected during the last few years?—That is a point which I hear canvassed a great deal amongst the tenants with whom I come in contact in the course of my business.

3188. Sir *Massey Lopes.*] You mentioned to the Committee just now that land had very much increased in value during the last 20 years; is it your opinion that poor land has increased in value in the same proportion as good land?—It is a very difficult question to answer broadly; it depends very much upon the locality, and upon the ground. If you refer to poor light soils, most distinctly that land has increased in value very materially; but if they are poor, thin, wet clays, in bad climatic districts, if I may so term them, I do not think that they have increased in value at all.

3189. Undoubtedly land has increased in value in the neighbourhood of large towns, especially that description of land of which you spoke just now, dairy land; you have been recently in Devonshire, have you not?—Yes.

3190. And you have been over a poor class of country?—Yes.

3191. Is it your opinion that that land has increased in value?—In capital value, certainly; not in annual value.

3192. Will you kindly explain what you mean by capital value?—I mean the value to sell in fee simple as compared with the annual value.

3193. Mr. *Hunt.*] You mean that purchasers would be content with a less per cent. for their money?—Precisely.

3194. Sir *Massey Lopes.*] As a matter of fact, all land has increased in value, but has this poor land, if it is brought into the market, increased in the same proportion as good land?—I am disposed to think that it has.

3195. Do not you think that those increasing rates have very much discouraged the reclamation and improvement of that poor land?—I think that the incidence of increased local taxation has not discouraged the application of improvements to land; the proportion in which it falls upon it is so remote and so small, that it really does not greatly affect the application of improvements to it.

3196. Surely there is a great deal of poor land, which, if cultivated, only leaves a very small margin for profit; and if you put high rates upon the land, is not that a discouragement to its cultivation?—I do not think that high rates could necessarily justly fall upon that type of land; the increment of rates, such as those which we are now considering, really and truly could not affect it, in my judgment. I do not see how a man could appreciate it if he were hesitating about improving this poor land, or leaving it in its natural condition. I do not think that any man can appreciate the amount of rates which would fall upon that land in its improved condition. He could not measure accurately the profit which is to result, so as to say that the incidence of increased taxation would deter or would incite him to its cultivation.

3197. I quite agree with you that 1 *s.* more or less in good land will make no difference whatever; but is it your opinion that 1 *s.* more or less in poor land does not make a considerable difference in the amount of improvements?—I do not think it would; the improvements of land of that type are undertaken invariably by very sanguine men, and I am sorry to say that my experience is that usually their expectations are disappointed rather than realised; and having regard to my experience, I am disposed to think that a man would not and could not measure the difference between the increase of the local taxation that would be applicable to such land.

3198. Is it your opinion that the high and increasing rates upon land have had the effect of making what was arable land pasture land; that is to say, in order to save expense upon the poor land, the tenants have been induced to turn arable land into pasture?—Arable land has been converted into pasture, most decidedly, and the tendency is in that direction; and the question of rating may have contributed somewhat to it; but it is infinitesimal, and hardly appreciable.

3199. Perhaps it is more a question of the price of land?—I think it is more a question of the cost of labour.

3200. I was about to ask you whether the effect of turning arable land into pasture has not been to drive a great many labouring men of the rural population out of occupation, and inducing the rural population in a great measure to crowd into the towns?—I think that the tendency of turning arable land into pasture has been not to employ fewer hands in the cultivation of other portions of the farms, but rather to induce the farmer to expend a larger proportion of labour on those lands which are still maintained as arable lands. I do not think that as yet the conversion of arable land into pasture has operated at all in the way of throwing labour out of employment.

3201. What would you consider to be the great advantage of carrying out your principle of dividing the rates between the owner and the occupier?—Simply I think that the tenant would feel that if it was conceived to be a right thing by the Government, or by the county board, to expend certain moneys, it would show that he alone did not bear the whole burden of that increase, but that it was shared in by his landlord.

3202. But that would be only an idea, as I understand, because your opinion is that the landlord really does pay the whole rate at present?—It is not an idea merely; it would be a fact so far as the tenancy remained undisturbed.

3203. *Chairman.*] Does the landlord pay the increase in the rates now?—No. I understood the Honourable Member to say that he was asking me a question as to increase of rate.

3204. Sir *Massey Lopes.*] I understand you that you do not strongly recommend the principle of the division of rates between the owner and the occupier?—Yes, I do strongly recommend it. I think it is quite the right thing; but what I suggest is that a division might take place beyond the nominal average which might be struck, and that a division of the surplus should be taken instead of taking half of the whole rates; they are practically the same thing.

3205. You simply recommended a division between the owner and the occupier, as a matter of simplicity?—As a matter of simplicity; not only as a matter of simplicity, but certainly it is an arrangement which I think would remove from the mind of the occupier, the payer, the sense of wrong and the sense of injustice that he was paying more than he contemplated paying when he entered into his first arrangement with his landlord.

3206. Would you see any objection to place the whole of the county rate upon the owner instead of half?—I should see no objection to it, but I do not see any advantage in doing so. I know that, as a land agent, I should simply add the whole county rate to the tenant's rent at once.

3207. Supposing this plan was carried out, would it not interfere with all existing arrangements and contracts between landlord and tenant?—It would affect all of them; and I am quite satisfied that on all fairly rented farms there would be no difficulty whatever in coming to an arrangement with the tenant without rescinding the existing arrangements.

3208. In Wiltshire there are a great many yearly tenants, are there not?—A very large number of yearly tenants.

3209. And when the rates have decreased, the tenant has got the benefit of it?—Yes.

3210. And, in the same way, if they have increased, he has had to pay more?—Yes, he has had to pay more.

3211. Have you met with many complaints among the tenants of Wiltshire, and those that you have had most to do with, with regard to the increase of rates?—Yes, I may illustrate my own case particularly. I hold my farm upon a lease for 16 years; the expenditure for rates, until the Union Chargeability Act came into operation, was about 75*l.* a year; I am the sole occupier of the parish, I should tell you, except the clergyman, who has a small portion, and the woods belonging to the landlord. The expenditure, as I have said, was about 75*l.* until the Union Chargeability Act came into operation, and it is now something like from 170*l.* a year to 180*l.* I am paying rather more than 100*l.* a year more than I contemplated when I took my farm, which I took in 1858.

3212. *Chairman.*] Have you had a reduction of rent in consequence?—I cannot ask my landlord for a reduction of rent, because I hold under a lease of which there are four years unexpired, and until my lease expires it is clear that I cannot make a rearrangement.

3213. If the Act had been passed before you took your lease, that increase beyond a certain amount would have been shared between the occupier and the owner, and you would have been 50*l.* better off?—I should have been quite 50*l.* better off, certainly.

3214. Sir *Massey Lopes.*] Would not it be an additional reason why you should be a strong advocate for that arrangement, that if the owners pay half, as you would suggest, the administration of the rates would be more economical?—I do not think that that would greatly affect the question. I think that in certain directions there might be greater liberality in the application of the funds; but on the other hand I am satisfied that the presence at the boards of guardians of a larger number of *ex officio* members would lead to a more rigid application of the workhouse test, and I do not believe that over the whole expenditure there would be an increase.

3215. Do not you think that the occupiers look more after the rates, or would look more after the rates, than the owners?—I do not think that they would; I think that the occupiers, as I have said before, would frequently take a view which the *ex officio* guardians might overrule as to a particular case; but, on the other hand, I think that the elected guardians do frequently take a loose view of a case, or a personal view of a case, instead of applying the workhouse test so rigidly as they should, and would let a pauper have a certain amount of out-door relief.

3216. Are there many large proprietors in Wiltshire?—Yes, they are large proprietors in Wiltshire, as a rule.

3217. Do you expect that any one of those owners would attend the meetings of the board of guardians?—I think some of them would.

3218. Would they not be exceptions?—There would be many exceptions, certainly; I should suggest that the landowners of large property should have the right of nominating a person to represent them.

3219. Are not the rates in Salisbury very high; in fact, are they not almost higher than any other place in the kingdom?—I am afraid I can give you very little information as to the rates in Salisbury, but certainly they are not higher than any in the kingdom; I think that they are about 6*s.* in the pound, including an unlimited supply of water.

3220. When the rates, as in Salisbury, are very high, is not it a great hardship to the poor there; do they not feel it perhaps more than any other class?—I think it is the owner of the property that feels it.

3221. I thought you said that you did not think that the tenant felt it at all?—I have no doubt that the owners of small house property in Salisbury make stern arrangements with their tenants, and perhaps insist upon a higher rental; if there is a question of 3*d.* a week one way or the other, the owners in Salisbury, or any other town where the rates might be exceptionally

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high, would insist upon putting that 3 *d.* on those tenants to meet the increased expenditure.

3222. Do not you think that the effect of high rates in a town is very much to make the accommodation for the poor worse than it otherwise would be, and crowding them in small rooms?—There can be no doubt about that; the profit on investment in building is diminished *pro tanto* by it.

3223. The county rate in Wiltshire is unusually low, is it not?—I think it is very moderate, and it is wonderfully well administered in Wiltshire.

3224. You have no great grievance in that county with regard to the administration by the magistrates?—Not at all; on the contrary, I think it is very well administered.

3225. You said, as I understand, that the landlord pays all the rates eventually?—Ultimately he does; it is a burthen upon the land.

3226. But supposing that a tenant invests, say, 1,000 *l.* upon his holding, who pays the increased rates upon that 1,000 *l.*, the landlord, or the tenant who has put his money into his occupation?—Supposing the assessment committee take the application of that 1,000 *l.* into account, in arriving at the rateable value of the property, obviously the tenant bears it during the existence of his tenancy.

3227. But then the assessment committee revise their assessment every three years, do they not?—Yes; every three years.

3228. Therefore, at the end of three years at the furthest, that man would have to pay the increased amount of rates upon the personal property which he had invested in his holding?—Supposing an increase in the annual value of the property, and that such increased value would be taken as the basis of the rateable value, that would be so.

3229. Mr. *Hunt.*] I think you stated that you were acquainted with Cumberland and Westmoreland?—Yes; we have had one agency in Cumberland.

3230. Is it not the fact that properties are held in those counties in much smaller quantities than they are in the rest of England?—It would be true, as a fact, that the holders of property are smaller, generally speaking; the statesmen of Cumberland and Westmoreland are a peculiar class, but the estates with which I had to deal were practically large estates.

3231. Mr. *Pell.*] You stated, did you not, that local taxation ultimately attaches itself to the owner?—Yes.

3232. There is an interim between the time at which it is first increased and is paid by the occupier, and the time when it detaches itself from him and attaches itself to the owner?—Obviously.

3233. During that interim it falls upon the occupier, does it not?—Any increased taxation beyond the average which existed at the time when the tenant took the farm, clearly falls upon the tenant during that interval.

3234. You are personally acquainted with the letting of land; at what intervals do you readjust the rent?—They vary much according to circumstances; in some localities the interval of readjustment may be taken at from 10 to 15 years.

3235. And in others would it be longer; take, for instance, some of those large properties in Wiltshire?—I should think that in exceptional cases they might be longer; but the average interval of readjustment of rental is something like from 12 to 15 years.

3236. In the estates which you have the management of, what is the general rule that you recommend to your employers with regard to the readjustment of rents where there are no leases?—We ordinarily recommend leases, and where there are no leases we invariably recommend our clients to give two years' occupation; that is, that the tenancy should be determinable by two years' notice to quit, and in those cases, unless there is anything special in the case that may arise, the rearrangement of a farm or anything of that kind, we should consider it unwise, and I should not advise our clients to expect any alteration in the rental under 12 or 14 years' interval.

3237. Is it not very frequently the rule, where the property is of large size and where they have had the same family holding the land for many years, that the rents should not be altered excepting upon a death or upon the chance of the man going out voluntarily; do you lay it down as a rule that you recommend your clients to reconsider the question of rent upon a yearly tenancy at certain periods?—Certainly, if I thought there had been an increase or a decrease in the value, I should recommend it.

3238. Do the occupiers know when those periods are going to occur?—They would expect it, certainly, at about the intervals which I have indicated; about 12 to 15 years.

3239. Then it comes to this, that taking the whole class of men whom you act for, or whom you are placed over in the sense of an agent, that for 12 or 15 years they bear all the increased taxation?—Quite so.

3240. And therefore it is a matter of considerable interest to them?—It is a matter of considerable interest to them, certainly to that extent.

3241. And you think that the occupiers of land are more interested in this point of the increase of rate than the landowners?—I think that both parties are interested in the results of increased expenditure, supposing the expenditure has been wisely applied. Obviously, increased expenditure on highway rates, assuming of course an economical application, is as decidedly beneficial to the occupier as it is to the landowner. The occupier sends two horses where he would have sent three, under a bad state of roads, to carry his corn to market, and he can use a better kind of conveyance in taking himself to market than he would take before, or than he would ordinarily take in a bad state of the roads; the tackle lasts longer.

3242. I think you said a little time ago, in answer to a question of the Right Honourable Chairman, that, as a class, the landlords thought over these questions more than the tenants?—I did not intend to convey that they thought over the questions more, but rather that they were a more educated class than the tenants, and that they appreciated the fact at once, that those matters are simply a distribution of a certain payment by the tenant between themselves and the tenant.

3243. The result of their thought is that they have not remonstrated to the extent of those who, instead of thinking, have had to pay?—That is the practical result.

3244. You have told us one other point with regard to your own occupation, that the effect of the

the change in the law was to raise your poor rate from 75 *l.* to about 180 *l.* a year; that was an increase of about 105 *l.*; I suppose that it is hardly a fair thing to ask what the rent of your occupation is, and what proportion it bears to the rent?—The rent of my farm is 1,300 *l.* a year.

3245. It was really an increase of 105 *l.* a year?—Practically it was so.

3246. Upon that appearing, did you apply to the assessment committee yourself to have your assessment reduced?—I did, and succeeded after a very long fight indeed. I had to bear it for a time; sufficiently long to get a basis of operations.

3247. Sir *Massey Lopes.*] In a word, you have had to pay 105 *l.* more?—Yes, I have to pay 105 *l.* more in the shape of rates, but I have reduced my rateable value.

3248. Mr. *St. Aubyn.*] What was it originally assessed at?—It was assessed originally at 1,300 *l.* a year, minus 10 per cent. I bore it for a certain period, that I might get a basis of operations to go to the assessment committee upon, and after a very long struggle with the assessment committee, I compelled them to reduce my rateable value 100 *l.* a year, although my rent was not altered at all.

3249. *Chairman.*] You enforced a reduction of 10 per cent., which reduction was afterwards allowed?—They afterwards reduced the rateable value of my occupation by the excess amount of rates which I showed them I was paying; that is about 100 *l.* a year. My rateable value stood at 1,300 *l.* a year, minus 10 per cent.; that is, 1,170 *l.* Then I appealed to the assessment committee, and the rateable value was reduced from 1,170 *l.* to rather below 1,000 *l.*; 965 *l.*

3250. Mr. *Pell.*] Were you ever short of labourers in that parish; was it a close parish?—Yes, it was a close parish.

3251. Have you labourers that come from any distance?—No; not for ordinary purposes, but we are peculiarly placed, we are on the edge of the New Forest, and there are a great number of small freeholders who work during the winter in the New Forest at wood work and things of that kind, and in the summer we can command any amount of labour from that source.

3252. This was an abatement from your profits of 105 *l.*; did you avail yourself of the opportunity of claiming to be assessed upon your profits?—I simply waited for the alteration, because I knew that the assessment committee would take the rateable value, and having taken the rateable value, I paid upon the lowered rateable value to the income tax.

3253. In fact your landlord is paying upon one assessment, and you are paying upon another?—Yes.

3254. Colonel *Brise.*] This increase, I think you say, was from 1848 to 1868?—In the special parish which I mentioned, it was from 1848 to 1868.

3255. What is the acreage of that parish of which you are speaking?—Between 5,000 and 6,000 acres.

3256. I think I understood you to say that you would hardly recommend that the rate should be divided between the owner and the occupier, except in this way, that the owner and the occupier should enter into an arrangement that, say, something like 2 *s.* 6 *d.* in the pound should be fixed as the rate to be paid upon the farm, and if there is an increase or excess on that 2 *s.* 6 *d.*, then half that excess should be paid by the owner, and half by the occupier?—That is the course which I suggest, because it may well happen that there are parishes in which the normal average, that is the value of the terms on which the tenant took his farm, may really and truly not have been altered, and in that case there would be no necessity at all for raising the question of rates between the landlord and the tenant; it is only to protect the tenant in the excess of expenditure, that I care that any alteration should be made.

3257. Do not you think that if the tenant had a fixed rate to pay of 2 *s.* 6 *d.* in the pound, he would take very little interest in the expenditure, or as to the increase of rates in the district?—His interest would be diminished up to a certain point, but I do not think that would affect the case very materially; I infer that it would not, because since the Union Chargeability Act has been in operation, I think the poor law has been more fairly and better administered than it was before. Clearly the interests of the individual under the Union Chargeability Act are so wonderfully mitigated, compared with what they were before, that his interest in extravagance or economy is very small indeed.

3258. Do you think that the occupier would take an equal interest in the rate, whether it was fixed at 2 *s.* 6 *d.* or not?—Yes, I think so.

3259. I understand you to say that the rector of your parish is a guardian of that parish, and that he only pays very little to the rates?—He is only rated, I think at 40 *l.* a year.

3260. Has he not the rentcharge of the parish?—He has no rentcharge; he has glebe in lieu of tithe; he only pays rates on his actual rectory house. I occupy his land, and therefore I pay the rates upon the land.

3261. I think you said that you did not see any advantage in putting all the county rates on to the owner, but at the same time you thought that, if possible, the occupier ought to have a share in the administration of the expenditure of the county rates?—On principle, I think so.

3262. If the county rate were to be put upon the owner, do not you think that that would be desirable, and that there would not be any feeling or any discontent as to the administration of the expenditure of that county rate?—I think that the discontent is more in idea than in fact. I do not think that it really is a tangible grievance at all. I should concede, that as a mere matter of principle, if the occupier's money is to be spent, he has a right to say that he or his representative should sit upon the board.

3263. Then you would not recommend that the county rate should be put upon the owner?—No, I think not; I see no ground for it.

3264. Mr. *Fielden.*] You stated, did you not, that the increase of expenditure in your parish is 24·9?—It is not my own parish, but it is the parish of Britford, a parish in the Alderbury Union.

3265. Can you tell us what has been the increase in the union in the same period?—I cannot; but I think it has been, as nearly as possible, the average of the Britford parish.

3266. Has there been the same increase, or somewhere about the same increase, over the whole county of Wiltshire, do you suppose?—I should think as nearly as possible.

3267. You stated that a new workhouse has been built for the Tisbury Union; can you tell me

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me if the poor rates have increased since the building of that workhouse?—I cannot give you any authentic information upon that point; the workhouse was only completed about a year ago, and we have no information.

3268. Has vagrancy increased in that union?—I believe it has decreased somewhat. I was told the other day that there had been fewer vagrants in that direction since the house had been perfected, so that the application of the poor law could be insisted upon thoroughly, compared with its negligent administration under the old house.

3269. Has the police force been increased, do you know?—The police force has not been increased, it has been at one uniform standard for many years.

3270. Sir *James Lawrence.*] You mentioned, I think, that in the parish of Bitford there had been a great increase in the local rates during the last 20 years; has the land increased in value during that period?—Yes, certainly.

3271. Then the increase of local rates has not decreased the value of the land?—It has not decreased the value of the land; the conditions have been concurrent.

3272. Then the tenants having paid the greater part of this per-centage while it was levied, you stated that the local taxation ultimately fell upon the landlord; will you explain what appears to me to be a discrepancy, that if those rates were paid, according to your own statement there should be a fall in the price of land in consequence of the increase of those local taxes, but if the land has increased in value, how has the expense of the local taxation fallen ultimately upon the landlord; where is the evidence of its so falling?—Supposing the conditions were identical in 1848 and 1869, it is quite clear that the increase of 24·9 per cent. in the value of Britford parish, would have fallen completely and absolutely upon the landowners, but the value of land, the value of the rateable corpus has increased during that time from other circumstances, and that has more than compensated for the additional taxation; rents have been actually raised, so that the increase of the local taxation has been concurrent with them.

3273. I gather from you that a great part of this increase was caused by the making of new roads?—I do not know that I have committed myself to the statement that it was due to new roads; that was one element.

3274. Has not it tended to increase the value of the land?—Yes, up to a point, it is one of the elements in the increased value.

3275. Has not the tenant, while he has been paying the rates which have been employed in making those new roads, increased the value of the land, so that at the period when there will be a re-assessment he will have to pay increased rent, having already paid for the roads, which had produced in some measure this increased rent?—That is quite so, with a qualification, the qualification being that the tenant would take into account the increased rates which would be payable under his tenancy; and he would therefore pay the landlord a rather less rent, a less nominal value of the estate being consequent upon the amount of the increased taxation which he had been spending up to a certain point in improving his holding.

3276. Although the land has increased in value, and larger rents have been obtained in consequence in some measure of the expenditure of the local rates, yet a larger rent would have been obtained but for the still larger local rates which remain to be paid?—Yes.

3277. Mr. *Seely.*] Do you think that, as a matter of convenience, it would be a good thing if all the rates, the county rate, poor rate, highway rate, and so on, were collected in one sum by one collector?—I do not think that that would be a matter which would affect the question at all.

3278. Do not you think it would be a good thing for the tenant to know more clearly than he does now, what the total amount of the rates is?—I do not think it would affect the question very materially.

3279. You do not think that there would be any convenience at all in it?—No, I think not. Practically the ratepayer, except he is very remotely interested, knows pretty well what the actual contribution to the rates will be, and the increment of the rate is very gradual indeed.

3280. Mr. *Wheelhouse.*] Has your attention been at all turned since the Union Chargeability Act to the parish overseers; and can you state whether, since the Union Chargeability Act has been in operation, there is any further necessity for the officers whom we know as the parish overseers?—Their duties are wonderfully mitigated, no doubt.

3281. But would it not be better, in your opinion, that the board of guardians, or some officer in connection with the assessment committee, should be the person levying the rate, instead of the overseers of the parishes; it seems very cumbrous now, and unnecessarily so, does it not?—I have not thought of that special point; but I think that the arrangement might be simplified, possibly.

3282. In what way would you simplify it?—The present form is that the board of guardians make calls upon parishes, which calls are directed to the overseers; the overseers, if necessary, call a vestry and state their requirements, and the rate is made upon the basis of the requirement indicated upon the calls of the board of guardians. I do not know that there would be any great gain in modifying the machinery under which that is arranged now.

3283. Is it not the fact at this moment that the parish overseers call for any sum that they like, totally irrespective of the wants and requirements of the boards of guardians, so far as the poor law is concerned, for instance?—I think not; I have had no experience of such a state of things.

3284. Do you know anything of Yorkshire, or of boards in Yorkshire?—I do not.

3285. I think, in answer to some of the honourable Members of the Committee, you have told us that you thought that *ex officio* guardians do not take so much interest as perhaps they would do if they were elected by the ratepayers; but supposing that all the guardians, instead of some of them being *ex officio* guardians, were elected by the ratepayers, is there not very considerable danger, or would there not be very considerable danger that the gentlemen who are now *ex officio* guardians being magistrates, as we commonly find them, would not be elected at all, and that the magistrates would have very little to say at the boards, because they would have no seat there?—I should be extremely sorry that *ex officio* guardians should not be present at the boards of guardians; and if I conveyed to the

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Committee any idea that the whole constitution of boards of guardians should be changed radically, I beg to state that I desire that if any *ex officio* guardian is elected he should be elected by the landowners and not by the occupiers, so that that *ex officio* guardian should represent the landowners, as contradistinguished from the occupiers.

3286. But would you make a different franchise for the *ex officio* guardians to that which is commonly found in the elected guardians?—Most distinctly I would, because I can quite conceive of a state of things under which the owners of property, not being *ex officio* guardians, may actually have no representation at all at the board.

3287. At all events you would think it very undesirable that the magistracy should be excluded from seats at the board?—Most distinctly so; I desire to have a larger proportion of them if possible.

3288. Why do you think that a larger proportion of the magistrates would be an advantage?—Not *quoad* magistrates, but as owners of land as contradistinguished from occupiers.

3289. That is in order, if I may make any distinction at all, that there might be a better class of mind brought to bear upon the subject than otherwise would be the case?—A more educated class of mind.

3290. *Chairman.*] It is not as magistrates that you wish them to be present at the board, but as representatives of the owners, and taken from the owner class, if possible?—Quite so. I venture to illustrate that by saying that I could conceive a union in which no magistrates qualified as *ex officio* guardians, but where a large number of owners of land who were not magistrates, would be quite unrepresented.

3291. Mr. *Wheelhouse.*] Is the union of Tisbury a large one?—I think it comprises about 16 or 17 parishes; it is a large agricultural union.

3292. Do you consider that for the purposes of administering the poor law a very large union has an advantage over a comparatively small one?—Most distinctly.

3293. How about the relief of the poor who have to apply, say, at the weekly meeting of the board of guardians, going a distance?—I quite recognise the difficulty which you propound to me in that direction; but I think that the office of overseer really comes in to mitigate any pressing necessity in the case of areas of large unions as distinguished from small unions; but there is the difficulty of locomotion.

3294. Would it not tend very largely to increase the pauperism of a union, say, where a pauper or person obliged to go for relief had to travel 10 miles to the board and 10 miles back again, and possibly take up the whole day; might not that permanently pauperise his family?—I think it would tend to a great deal of individual suffering, but I should be disposed to think that it would rather decrease the pauperism.

3295. Would it not have the effect, possibly, of decreasing pauperism, in making persons careful about applying to the poor law guardians where the Poor Law Board guardians ought really to step in and administer relief?—I have said that it might tend to increase individual suffering in cases of deserving paupers applying for relief, but I am quite satisfied that it would keep a great number of persons away from applying for relief if larger difficulties existed in their making the application.

3296. Mr. *Gregory.*] You have been asked as to the rise in the value of land; has not that rise been rather keeping pace with the increase of the population and the general wealth of the country?—Yes; but there are qualifications necessary in accepting that proposition.

3297. Do you mean local qualifications?—Yes, local qualifications; and also the improved means of locomotion have affected it very materially, and have increased the value of land.

3298. That, in fact, has brought land into value in remote districts, as I apprehend?—Certainly.

3299. Again, there has been an increase, has there not, of towns trenching upon agricultural land, which has tended to increase the value?—That has tended to some extent, but I should dismiss it in dealing with the question very broadly.

3300. You state, do you not, that there has not been an increase in the farmers' profits upon land, or but a slight increase?—I think that the effect of competition has been to reduce rather than increase the farmers' profits, except in the particular directions which I have indicated, namely, dairy farming and grazing.

3301. The particular parish which you spoke of, I presume, is your own parish?—No, it was not my own parish; the parish that I specially referred to, in which the increase of expenditure upon the local taxation had occurred was a parish adjoining mine; but I speak of the whole of the Alderbury Union as being a perfectly fair instance, as nearly as one could arrive at.

3302. You took it as a sort of model parish?—Not a model parish, but an average parish.

3303. Do you think that we may take the result of that as pretty general?—I believe that in Wiltshire it would be a true average.

3304. The increase of expenditure is about 24 per cent., and that you say has arisen, to a certain extent, from the highways and turnpike roads being thrown upon the parish?—Upon the application of the Highway Act. It was especially a true average of this parish, because there never were any turnpikes in it; the roads were maintained entirely out of the local rates.

3305. Was there any debt in respect of those roads?—None.

3306. It had all been defrayed, had it?—There was no debt at all; the roads were simply maintained *in diem de die* by the rates of the parish; but they have been greatly improved.

3307. Have new roads been constructed?—No, no new roads have been constructed; it was merely the maintenance and improvement of the old roads.

3308. I do not understand that you propose to to throw anything upon the owner beyond the one-half of the increase of the average rates?—That is my proposition.

3309. You would not therefore make any alteration in the present system of representation in the administration of the poor-rates, for instance?—Not the least, except the administration of the rates that I have suggested, in cases where the *ex officio* guardians were not in sufficient number, the owners of land, seeing that they would be interested in the expenditure of any surplus, they should be entitled to be represented at the board of guardians.

3310. We have had recommendations to this

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Committee, either that the owners should pay one-half the rates, or that the whole of the rates should be thrown upon the owners, and that in consequence of that they should be represented upon the board, or rather that the board should be composed to a greater extent of owners; would not there be a difficulty in many cases in getting a sufficient number of owners under those circumstances?—Certainly; I see great difficulties in shaping out such a thing over the area of a union.

3311. You mean from some being not resident and others being very large owners?—Yes; I should prefer that the occupiers should still have a certain interest in administering the finances of the union.

3312. You say that the owner should pay one-half of the excess over the average rates; what would you take as the average; have you contemplated any period of years for the average?—I have taken in this particular case of Britford a three years' average, and I found it on a very fair rateable value—a rateable value which I do not think, if a person were employed to assess the whole parish of Britford, would be very materially qualified. I find that the expenditure during the years 1867, 1868, and 1869 has been 2 *s.* 11 *d.* in the pound.

3313. Applying your principle to that parish, anything over 2 *s.* 11 *d.* in the pound you would propose to be divisible between the landlord and the tenant?—Quite so.

3314. That the tenant should come to the landlord and say, "I have paid over 2 *s.* 11 *d.*; you must pay me half of that excess"?—Yes.

3315. Would you apply that to existing contracts; for instance, a case in which the tenant has covenanted to pay all the rates and taxes?—No, I do not want to interfere with existing contracts. A tenancy from year to year might be open to a new arrangement. I should not deal with the question of lessees.

3316. You have spoken of your rector; the clergy, I think, are rated in the full amount of their rentcharge, less the Government taxes and the expenses of collection, are they not?—The poor rates and the repair of the chancels.

3317. But the latter does not always fall upon the clergyman; it falls upon the lord of the manor, sometimes, does it not?—If they are rectories it invariably falls upon the clergymen; those are the deductions allowed, and in some particular cases there is a deduction made for curates when the population is excessive.

3318. Does not that fall with some hardship upon the clergy; do not you get really, for the purposes of rating, more at their actual income than you do with respect to other classes?—Yes, as to the question of income; as to the question of rateable property, you must separate the income from the rateable property.

3319. You get closer to them, and you hit them rather harder, do you not?—No, I think not.

3320. Do you think that the landowner could not stand on exactly the same footing as that?—I have to assume always that the tithe rentcharge is rateable. I think that the system of rating is perfectly fair.

3321. Do you not think that the clergyman suffers?—I do not think that he does; he has property, and we know the actual sum which he receives; this is his rent, which is taken so frequently as the test of value, in arriving at the rateable value.

3322. But you make a more considerable reduction from the rent, do you not?—We make a reduction of 10 per cent., which I am quite satisfied in the broad average is not at all more than is required.

3323. Mr. *St. Aubyn.*] Supposing an Act of of Parliament were passed which divided the rate, in equal halves between owner and occupier, would you state to the Committee, as no doubt you have considered the subject, what should exactly be the constitution of the board; and, first of all, taking the board of guardians as the administrators of the money which is raised for the relief of the poor, will you tell us in what way you think the board of guardians should be constituted, taking your own union as an example?—I have not thought the subject out very carefully; but the principle which would seem to me to be fair in the rearrangement of the board of guardians would be this, that the magistrates, *quoad* magistrates, should be *ex officio* guardians, and that a certain further number of owners of land who are not magistrates should be elected by the owners of land to represent them at the board of guardians.

3324. But if the two interests are exactly equal, if the rate is divided between the owner and the occupier, as a matter of inference I presume you would like the representation to be equal also?—As nearly as may be.

3325. Could not that be obtained by the representative body, in each case, electing an equal number of members of the board?—Theoretically the proposition would be quite right, but I doubt, in practice, whether it would work; I do not think that you would readily obtain the same number of *ex officio* guardians for current attendance as you would of the ordinary guardians that are elected now.

3326. But I presume that if any such scheme was carried out, the *ex officio* guardians as such would disappear, and the owners of property would elect half the board, and the occupiers of property would elect the other half?—In the event of the disappearance of the *ex officio* guardians, the scheme which you suggest would work equally fairly, I think.

3327. Do you see any obstacle in the way of its working in practice; take a case where the land in the union is in the hands of a small number of landowners?—It is precisely that case which I am contemplating now—the case of the Alderbury Union; I do not think that we could get there a sufficient number of representatives of owners.

3328. But you suggested lately, in answer to a question, that the owners might nominate representatives?—Yes, but I should be unwilling to dismiss the magistrates from being *ex officio* guardians, because in my own knowledge there are several most excellent *ex officio* guardians who are men without any landed property at all.

3329. But it would be competent for the owners of property to elect those *ex officios* to represent them at the board?—They might be there, and they might not be there; they might not be elected, possibly.

3330. But supposing they were elected, they would be competent members of the board, and adequate to represent the interests of the owners?—Yes, certainly.

3331. Is that the only difficulty that you would see in the way?—I have not thought the matter out;

out; but it obtrudes itself on my mind as what naturally should be.

3332. The same consideration of property would influence your judgment with regard to the composition of the highway board as of the board of guardians?—Yes.

3333. Is the present composition waywardens elected by the parish and *ex officio* waywardens?—Yes; there has been one peculiar feature in the conduct of the highway board, and it is because, so to speak, it enters peculiarly within the scope of the operations of the tenant farmers; the chairman, instead of being elected as a man of position, as a landowner, or other person of mark in the neighbourhood, is selected simply from amongst the occupying farmers; it is rather a new feature, certainly.

3334. To what do you ascribe the difference in the proceedings of the two boards?—I think that the occupiers in the constitution of the highway board, the waywardens, have felt most distinctly that they were bound to keep the control of the thing entirely in their own hands.

3335. But the highway board is composed, is it not, on the same principle as boards of guardians?—It is; but in the case of boards of guardians the person of the highest position, and who has ample leisure, is usually selected chairman of the board, whereas in the case of a highway board it is quite the reverse. I do not know a single instance in which a magistrate has been elected chairman of a highway board.

3336. Can you give no other reason beyond what you have just stated, that they are desirous of keeping the management in their own hands?—Yes, I think so; they felt that there was a probable increase of expenditure likely to be incurred in the district, and those who really paid it directly desired to keep the expenditure under their own control.

3337. Then, according to your experience, it appears that the ratepayers are more afraid of gentlemen, so to speak, spending money in keeping the roads good, than of their spending money improperly in the administration of the poor law?—Yes; it comes upon them more absolutely, more directly.

3338. Supposing the rate to be halved between them, do you think that would make any difference in their feeling?—I think it would.

3339. With regard to the quarter sessions and the administration of the county funds, do the same observations apply as you have made with regard to the poor rates?—I think not with the same force. The county expenditure is much larger than the expenditure for highway purposes and kindred purposes of that kind, and I think as I have said before, the county financial boards have been wonderfully well managed; they have certainly in those counties with which I am acquainted, at least there has been no grave cause of complaint.

3340. It is the quarter sessions who administer the county rate now?—Yes.

3341. In the agitation which has taken place upon the subject of county boards, it has always been assumed that the ratepayers were to continue to pay the rates?—Quite so.

3342. There was no question of a division between the ratepayer and the owner?—No; indeed the only justification for the agitation was that the ratepayers paying the rates should have a voice in the administration.

3343. Supposing the rate were divided amongst the two, speaking of county funds as distinguished from poor law and highways, do you see any objection to an equal number being elected to represent at the board, and do you think that you would have difficulty in finding an adequate number to represent the landlord's interest?—I do not think that I should give an equal number of occupiers to the magistrates in the administration of the county funds, because I think that the interests of the owners are larger than the interests of the occupiers, and they ought to be proportionately more largely represented.

3344. But if the rate is equally divided would you be of that opinion?—Yes; but still I can conceive a county board taking a larger and broader view of the course to be taken with regard to any special purposes, whether of justice, police, or sanitary purposes, than would be taken by the occupiers, and although it would be quite true that the expenditure would be divided between the ratepayers and the landowners in that case, yet I think that the landowners, as having the fee-simple, as it were in them, and the occupiers having only a limited interest, it would be fair and reasonable that the landowners should have a larger power in the determination or the adoption, or otherwise, of those questions than the occupiers.

3345. Then you would give them a preponderating power in the composition of the board?—Yes, I should.

3346. Have you considered at all in what proportion?—No; I have not considered the proportion at all.

3347. You said in answer to the honourable Member for Devonshire, that you had been lately into Devonshire; did you happen to cross the Tamar and go into the county of Cornwall?—I frequently do cross the Tamar.

3348. Have you been engaged in your business on the other side of the Tamar?—Yes.

3349. Have you come to the same conclusion with regard to the increased value of land there that you have elsewhere?—Land in the vicinity of the mouth of the Tamar certainly has increased very considerably in value of late years.

3350. But speaking of the county of Cornwall generally, the west as well as the east, are you able to tell the Committee anything with regard to that, in the same manner as you have with regard to Devonshire?—We have the management of an estate in Cornwall, and certainly we have very old tenants there, and we might get an increased rent if anything were to arise to disturb the arrangements between the existing tenants and the landlord.

3351. Mr. *Gregory.*] Have you ever considered whether any greater simplification could be introduced into the mode of collecting local rates, with a view to saving expense?—No, I think I answered the honourable gentleman opposite with reference to that, that it might be moderately simplified, but I did not think with any great advantage.

3352. I am speaking now of the highway rate, the poor rate, and the county rate?—Practically, the collection is now wonderfully simple, because the assessment is made entirely from the poor rate, through the overseer; every payment for those local taxations is made through the overseer.

3353. Sir *Massey Lopes.*] Do you find generally that there is a growing dissatisfaction at the

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increased and increasing amount of local rates?—Yes, most distinctly there is.

3354. Do you think that the plan which you have suggested of dividing those rates would in any shape at all alleviate that grievance?—It would alleviate the grievance, and would produce a feeling of satisfaction on the part of the rate-paying community.

3355. But the same amount would have to be paid; therefore there would be no real diminution, although there might be an imaginary one?—In the suggestions which I have ventured to make to the Committee the burthen would apparently be divided, and it would be divided as far as existing interests are concerned.

3356. But you would be shifting the burthen when the time came for re-arranging the rent?—The land ultimately must bear it all.

3357. In Wiltshire there are a great number of small freeholders, are there not?—Yes, in the northern part of the county, but not in the southern part.

3358. To what extent would those freeholders be benefited by this alteration of dividing the rates between the owner or the occupier?—They would get no relief whatever.

3359. Do you not think that the freeholders, the yeomen in this county, are a very valuable body?—Yes, they are very valuable indeed.

3360. *Chairman.*] Generally you mean that the plan which you suggest would be a relief to the ratepayers would remove the grievance from the ratepayers, but that it would become eventually a landlord's grievance?—Ultimately it would become a landlord's grievance.

Sir Sydney Hedley Waterlow, called in; and Examined.

Sir *S. H. Waterlow.*

3361. *Chairman.*] You are Chairman of the Improved Industrial Dwellings Company, are you not?—Yes, I am.

3362. And of the Highgate Improved Industrial Dwellings Company?—Yes.

3363. Are you also chairman of the committee having charge of the industrial dwellings erected by the Corporation of London?—I am.

3364. Before you took part in those companies did not you yourself erect a certain number of tenements as dwellings for the working classes?—I did.

3365. How many tenements do those various buildings in which you have been interested comprise?—We have now 1,117 in occupation in 10 parishes in the metropolis.

3366. I presume that in erecting those dwellings the question of local taxation has come across you in a very serious manner?—It was of course a matter of the greatest importance.

3367. Do the rates vary much in the 10 parishes in which the dwellings in question are situated?—They do not vary materially, because it is only in the poorer parishes, in those parishes where the poorer classes as a rule reside, that the dwellings have been erected.

3368. Could you name the parishes in which the dwellings are situated?—There are the largest number in St. Pancras; the rest are in St. Leonard's, Shoreditch; St. Luke's, Islington; St. James', Clerkenwell; St. John's, Wapping; St. Saviour's, Southwark; and St. Matthew's, Bethnal Green.

3369. Are the rates lightest in the parish of Islington?—Not in proportion to the gross rent; they are lightest in proportion to the gross rent in the parish of St. Leonard's, Shoreditch; but that may be an accident in the assessment.

3370. Are those properties mostly freehold, or do you pay a groundrent for them?—They are nearly all leasehold.

3371. Can you state to the committee the amount of groundrent that you pay in the various localities, as compared with the local taxation; could you give, on the one hand the groundrent, and on the other the total of what you pay in rates?—In St. John's, Wapping, we pay 92 *l.* 12 *s.* 6 *d.* a year parochial rates, and 90 *l.* a year groundrent; in St. Saviour's, Southwark, we pay 35 *l.* a year groundrent, and 38 *l.* 6 *s.* 5 *d.* parochial rates; I may say that those rates are for the last year; in the first lot in St. Pancras we pay 60 *l.* a year groundrent, and 199 *l.* 7 *s.* 7 *d.* parochial rates this arises from the fact that there are a larger number of dwellings than usual on the same space of ground, the buildings being more lofty; in St. Luke's, Islington, we pay 70 *l.* a year groundrent, and 167 *l.* 10 *s.* parochial rates.

3372. Are the houses the same height as in St. Pancras?—About the same height, but they are not so closely packed. In the second lot in St. Pancras we pay 160 *l.* a year groundrent, and 330 *l.* 3 *s.* 10 *d.* parochial rates; the most recently erected are in Shoreditch, and there we pay 260 *l.* a year groundrent, and 279 *l.* 9 *s.* parochial rates. Taking the average of the dwellings in those nine parishes, containing 819 tenements, the per-centage of local rates upon the gross rent is 13·8.

3373. In three of the cases that you have mentioned, in St. John's, Wapping; St. Saviour's, Southwark; and St. Leonard's, Shoreditch; the rates are equal to the groundrent?—Yes.

3374. If therefore the theory held good that the rates were paid by the landlord of the ground, they would absorb the whole?—Precisely so.

3375. You would therefore, I presume, not be able to admit that in those cases the rates are paid by the owners of the land?—Confining myself strictly to those properties as illustrations, I consider that the occupier undoubtedly pays the rates.

3376. And you would assign as a proof of that, the larger amount of the rates in proportion to the groundrent?—Yes; and I may say as a fact, that as manufacturers of houses, we should not have erected them at all, if we had not expected that those who were going to occupy them, would pay all the charges.

3377. But the point is continually urged, and with some force in most cases, that the owner of land which is rated heavily, would get less groundrent than the owner of land which is lightly rated, and therefore the excess of rates would come from the pocket of the owner of the land, how far would you subscribe to that doctrine as regards the poorer parts of the metropolis?—I do not know whether I gather the question rightly, as to whether, I think, in reference to this class of property, a landlord in a parish where the rates are high, has got less groundrent than he would have done if the rates were low.

3378. That

3378. That is my question?—There is no doubt that when a building lease is taken, the landlord does get less ground rent if the rates are very high.

3379. Within a given number of years you have taken all those plots of ground?—Yes, those properties have been erected within the last six years.

3380. What I mean really is this: supposing that in St. Saviour's, Southwark, for instance, you would have no rates at all to pay, would the landlord have got 70*l.* instead of 35*l.* from you?—If he had got the 70*l.* we should probably not have erected more than the 22 dwellings which we have erected in the parish; but if we had not had to pay any poor rates at all, the speculation would have been so profitable that we should have been tempted probably to have erected a much larger number, and in that way the rent would have been reduced, and the rates would have been saved to the occupiers.

3381. Do you mean to say that you would have erected a larger number of dwellings upon the same ground?—No, we should have taken more ground, because it would have been a more profitable operation.

3382. Then, as you would have taken more land, would not there have been increased competition for land, which would have enabled the owners to ask for a certain advance in the price?—Yes.

3383. So that you would have paid rather more rent on the one hand, and you would have derived a little more profit on the other?—That is to say, the occupier would have derived a little advantage, and the landlord would have derived a little advantage, till the supply of houses locally situated met the demand.

3384. Therefore you would hold this: that even in those portions of the metropolis a certain amount of rates does fall upon the owner of the land, but that a portion of it falls upon the houses, and therefore upon the consumer of houses, namely, the occupier?—At the time when a building lease is granted, no doubt the amount paid as rent is influenced by the amount of taxes in that particular parish.

3385. As a matter of fact in the various buildings in which you are interested, and in what you have done yourself in building houses, does the fact of heavy taxation enter largely into your calculations?—In every case it has been my practice to calculate what are the outgoings, the outlay, and the probable rent which could be obtained, and then to determine whether the investment was a wise one or not.

3386. And the same consideration applies when you consider what ground rent you will pay?—Undoubtedly; if the rates were very low, and likely to remain so, we should be tempted to give a better ground rent than if they were very high, and likely to increase.

3387. So that you cannot say that the whole of the rates fall upon the occupier, because you would have given a certain amount additional to the ground landlord if the rates were low?—Undoubtedly; but looking at the fact that our building leases are never for less than 80 years, the whole of the increase during that 80 years must come out of the pocket of the occupier.

3388. Of course no one would build upon a short lease?—No.

3389. Therefore when you enter into a speculation, in the first place you consider necessarily the ground rent and what the rates actually are, and what the prospects are, and if the rate increased much more rapidly afterwards it would come out of your pocket?—Yes.

3390. Supposing it came out of your pocket, would you charge the occupier a higher rent?—That would depend upon circumstances. If by charging a higher rent the demand would be lessened, and there would be a number of empties, of course we should not charge a higher rent.

3391. It would either come out of your pocket or out of the pocket of the occupier?—Yes.

3392. If it came out of your pocket, it would influence you in building further houses, would it not?—Undoubtedly, if the rates generally in those parishes were so much raised that no dividend was left for the shareholders, we should not be able to get any more capital to increase the supply of the article, and therefore those who occupy the houses must either be satisfied with a smaller number of rooms for the same price, or they must pay a higher rent.

3393. Do you find, practically, that the position of the poor occupiers of your tenements is this, that where they can only afford to give a certain sum to you, if you are obliged to charge, in consequence of the heavy taxation, a larger price, they will take a worse tenement than they had before?—We find, as a rule, and the figures show that the calculation is correct, that this class of people spend about one-fifth of their income in rent, whether they are earning 15*s.* a week or 35*s.* a week; and if that fifth will not produce three rooms they must be satisfied with two rooms; or, two rooms, they must be satisfied with one.

3394. Has there been, within your experience, during the last six or eight years, an increase or decrease in the rents paid by the industrial population?—I have made no change in seven years, in the parish of Shoreditch, in the 80 tenements erected there in 1863.

3395. Have the rates meanwhile increased very much?—The rates have increased, but not very largely, except just during a temporary interregnum recently, when Parliament threw the rates upon the occupier; there were six or nine months during which there was a different method of collection.

3396. Were the rents advanced when the rate was put upon the owner?—We made no change, expecting that the alteration would only be temporary, as it has turned out to be.

3397. Otherwise you would have increased your rents?—We must either have increased our rents, or stopped our operations.

3398. Do you find that during the time in which you have been at work, the value of land has been increasing, and the difficulty of procuring sites at a reasonable ground rent has been increasing also?—Not on the average; in some parishes it has been so.

3399. Is the value of land decreasing in any parish?—I will take an illustration as an evidence of decrease in the parish of St. Leonard, Shoreditch; the Ecclesiastical Commissioners had the Finsbury estate fall in, and they asked very high rents in the beginning, but they have been obliged to take much lower rents since as ground rents.

3400. Sir *James Lawrence.*] Are you aware that the original price asked was very much larger than that of a similar class of property in the neighbourhood?—I believe it was; therefore,

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on the average, I do not think there is more difficulty in obtaining sites than there was six years ago.

3401. *Chairman.*] Do you think that the heavy taxation is lowering the value of land, taking the last 10 years?—My impression is that the value of land generally has rather increased.

3402. I mean in those parts of the metropolis where you are operating?—I am only speaking with reference to a particular class of sites, such as are suitable for this class of tenements.

3403. I understand you to say that the difficulty of getting sites was rather one of open space than of rent?—No, I thought I stated that, taking all the parishes together, I did not think that there was any material alteration; but I quoted an instance where there had been a difficulty.

3404. There are three parties out of whose pockets the increase in local taxation might have come, that is to say, out of the pocket of the landlord, the owner of the land, out of your pocket, that is to say, of the companies who have built those houses, and thirdly, out of the pockets of the occupiers of the tenements; who do you think has borne the increase in the local burthens, as far as your experience goes?—The increase, after the buildings are erected, necessarily comes out of the pocket of the occupier.

3405. I understood you that if you had not raised you rents, in the case you referred to, it would have come out of the pockets of your shareholders?—Yes; but we should have raised the rent if we thought that the increase was to be permanent. We did not wish to disturb the relations when we thought it was simply a temporary matter.

3406. Do you think you could get more rent if you were to try?—As the demand increased, and as the population increased, we should ultimately get more rent; and if the operation of manufacturing houses continued profitable, we should go on, and then the increased supply would be equal to the increased demand.

3407. When you come to an increased supply of houses, the question arises, whether, in getting the new sites, you might not be able to get them so much cheaper on account of the increased taxation, and in that case it must come out of the pockets of the owners; but I understand you to say that it must eventually come out of the pockets of the occupiers, because you would stop building if you had to pay so much more in rates?—If any portion of the land of the company suitable for the erection of a house is not likely to be of advantage to the occupiers, we should very naturally leave off erecting houses.

3408. But you would not leave off producing if, in case there were such production, you could pay a cheaper ground rent in proportion to the increase of local taxation?—Certainly not, if the increase of local taxation was made up by a decrease in the rent charged for the land, then we who stand in the relation of the occupier would generally go on with our operations.

3409. Assuming that the local taxation increased, you say that either the occupier must pay you more rent, or you would stop building?—Yes; or we must get the land at a cheaper rate.

3410. Would not that last alternative be the most likely of the three?—My impression is the contrary, because as the population increases the demand increases, and then that always increases the value of land.

3411. Then do you mean this, that the increased taxation is likely to be thrown off by the party who is strongest in negotiating, or to the party who is weakest; for instance, that if land in a certain neighbourhood is rising in value, it is more likely that the increase would have to be paid by the occupier than by the owner of the land?—My impression is that it would have to be paid by the occupier. I would put this case, supposing there were no local rates at all, our company last year having earned only 5,452 *l.* net, would have had in addition 1,704 *l.*, the amount paid for local rates, and the profit would have been so large that we should have been tempted immediately to increase the supply, until the increased supply had brought down the price to a sum yielding only an ordinary profit.

3412. The next result would be that you would be stimulated to go on, and you would look for new sites, and the landlord knowing that you could afford to give so much more, because you had got more than the average rate of profit, would be able to get a higher price for his ground rent, and thereby absorb a portion of your 1,700 *l.*?—Yes, he would absorb a portion.

3413. And the remaining portion might go into the pocket of the occupier?—Undoubtedly; but looking at the fact that contracts for building leases are made for such very long terms, it seems to me that all changes in local taxation must fall upon the occupier, because the contract with the landlord is a settled and fixed quantity.

3414. But you assume that you would be encouraged or discouraged from further building, and you could not build without going to new ground landlords?—Quite so. As regards new building, the landlord must get a portion of any saving in the rates.

3415. And your profit might go into your own pockets, and not into the pockets of the occupiers of the tenements, until you came to the new building?—Quite so.

3416. Therefore, the position is this, that so long as you do not build new houses, the remission of local taxation would come to your aid?—Yes, unless other people built, and the increased supply reduced the rents.

3417. Whereas the landlords would advance their terms for the ground rent for new sites, and then immediately a portion of your profits would at once go into the pocket of the landlord as well as into that of the occupier?—Undoubtedly it would; but I think it is impossible that the owner of small houses could retain for any length of time the whole of any reduction in the local taxation, because if the trade was so profitable, some one or other would necessarily increase the supply of the article.

3418. But then no one can increase the supply of the article without going to the ground landlord?—Quite so.

3419. The proportion of the ground rent to your gross rent would depend very much upon the height of your buildings?—Yes. In the last case which I instanced we have seven storeys; where you have the figures 260 *l.* ground rent, and 279 *l.* local taxation.

3420. Then any increase in the ground rent would be likely to make you crowd more tenements in a given space than you would otherwise do?—We should erect a larger number of floors, and build higher tenements.

3421. Then,

3421. Then, in fact, the heavy taxation of and in the eastern end of the metropolis, tends, to a certain extent, in your opinion, to crowding a great many persons upon the same spot?—Where the local taxation and the ground rent together are very large sums, in order to recoup ourselves, we are obliged to build a great many floors.

3422. Sir *James Lawrence.*] With regard to St. Leonard's, Shoreditch; is it not a fact that the 260 *l.* which you mentioned was something more than the ground rent; were there not small dwellings on that land, which accounted for the high price?—I forget how many there were, but probably 40 small tenements were pulled down, having a ground floor and a first floor; and 168 erected in their place, having seven storeys.

3423. *Chairman.*] To whom do you pay the 260 *l.*?—To the Ecclesiastical Commissioners.

3424. Those tenements have been pulled down, I think you say?—We pulled the small houses down, and put larger ones on the site.

3425. So that you have got nothing for it except the ground?—Yes, except that, I think, the houses produced, as materials, 250 *l.*

3426. Mr. *Pell.*] But what rent did they produce before?—I should think, about 7 *s.* a week.

3427. How many storeys are there in the buildings in St. Saviour's, Southwark, and St. John's, Wapping?—These are in each case five storeys high.

3428. *Chairman.*] Have you considered the question of rating the owner instead of the occupier, with regard to this class of property?—Yes.

3429. Which do you think is the most convenient to rate, the owner or the occupier?—In this class of property the owner is rated now, because the tenements are all under 20 *l.* a year.

3430. When the occupiers of the tenements, during what you call the interregnum, were bound to pay the rates, did they pay them or did you make some arrangement?—We paid them invariably.

3431. Did you pay the full rate?—Yes, we paid the full rate in some cases; in other cases the parishes considered the question, and they made an allowance.

3432. In paying the full rate, whereas you had compounded before, there was considerable loss to your company, was there not?—There was a temporary loss.

3433. But considering that it was only temporary you did not disturb your general arrangements as regards rent, and you were ready to make the sacrifice?—Precisely so, because if we had disturbed the arrangements many of the people could not pay any more money than they were paying, and those who had three rooms would have gone into two rooms, and possibly the men, who had two rooms and offices, would have gone away altogether.

3434. If you had been conducting the company simply on commercial principles would you have made a change?—Certainly not in contemplation of the arrangement being simply temporary.

3435. Is it not a fact, that in a great many parts of London, there was an increase made in the rents in consequence?—I know in a great many cases where it could be obtained, an increase of rent was insisted upon.

3436. Do you think that even on purely commercial principles, without any philanthropic element entering into it, it was wiser for the owner to pay the whole rates without disturbing the rent?—We thought so in our case.

3437. In the case of tenements exclusively inhabited by the working classes, would you say that it was even in the interests of the owner of the houses to be continually shifting the rents with the variations of the local taxation?—Certainly not, because you are sure to lose a number of tenants if you attempt to raise the rent. This class of people invariably pay the maximum rent, which they can afford, out of their income, and if you require them to pay more rent they cannot do it, and therefore they are obliged to take a smaller or cheaper tenement which is inferior in quality or accommodation.

3438. Do you think that they generally do pay the maximum?—Yes; I think they do pay the maximum they can afford, namely, one-fifth of their income.

3439. So that the position of the owner of small property is this, that he knows that the working classes can only afford to give a certain rent, and, therefore, if he is obliged to put that rent up, they will leave their tenements and go into worse?—Yes; in order to test that question I obtained, as nearly as we could possibly obtain it, the earnings of the occupiers in 819 cases, and we made the average earnings to be 28 *s.* 8 *d.* a week, and the average rent 5 *s.* 8½ *d.*; and 13·8 per cent. of that is the local taxation, which makes the local taxation paid by each tenant 8¾ *d.* per week. I gave you the per-centage of the rates to the gross rent, taking all the parishes together as 13·8; that is to say, our gross rents last year were 12,344 *l.* 3 *s.* 8 *d.*, and the amount of local rates was 1,704 *l.* 9 *s.*

3440. You say that they are made to pay 8¾ *d.* a week for local taxation; but if there had been no local rates at all, you have expressed your opinion to the Committee that the owners would have been able to get better terms for the land; it would thus not be quite fair to say that it comes out of the pocket of the occupier?—No doubt if you remove the whole of the 8¾ *d.* then the landlord, on making his terms for a building lease, would get a better rent, unless you had got such an increased supply of the article that the rents went down. The principle is different in the case of land, and in the case of buildings, because you cannot increase the quantity of the land, but you may increase the quantity of buildings on a given piece of land, and if you put seven storey houses instead of two, of course you get an increased quantity of the article, and then the law of supply and demand comes in and affects the rent.

3441. Would you say without hesitation, in the case of house property, the occupier is more interested in the taxation than in the case of land?—Certainly, as a broad principle.

3442. As a broad principle, the more that capital or business value of the land enters into the consideration, the more the occupier, who is the consumer of the article, becomes interested?—Undoubtedly.

3443. So far as houses are a manufactured article, they will follow the rules applicable to the taxation of any other commodity, but so far as they depend upon the ground rent, they will follow the rules of taxation which are peculiar to them alone?—Or rather, so far as they are in positions where you cannot increase the amount

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of accommodation, then it must fall upon the land.

3444. Then the owners of land being sometimes in the position of owning land along the frontage of a river, or in some particularly favoured spot, they may obtain, to a certain extent, immunity from taxation by the power of monopoly that they have?—Yes; if a man has an article which cannot be increased, and which cannot be got anywhere else, of course, the public who want it must pay that which it is worth.

3445. On the other hand, the owner of land cannot take away his land and apply it to any other trade. If he loses the power of selling it for houses, is not the owner of land in a worse position than the owner of any other capital, if the trade is leaving the locality?—Undoubtedly he is. He is subject to the migration of population, or to the alteration of fashion, which may make a street which was once popular, unpopular, and therefore the price goes down, but if, on the other hand, it becomes very popular, then the price goes up.

3446. Then in the case of land where the population is falling off, any increase in the burthens would have to be borne by the landlord without any escape from it?—I do not think that the landlord would be in a different position whether the locality was going down or going up; if the locality was going down, and the rates were going up, and he was about to make a contract for a building lease, he would lose by the depression of the locality, and he would also lose by any great increase in the parochial rates at the time the contract is made.

3447. But any one else who is in the position of finding a heavy tax put upon him and his investment would be able to take his capital to any other position, whereas the land being immoveable must bear the burthens put upon it?—No doubt it must, subject always to the fact that building leases are for such long terms, that the landlord gets out of the variations in the taxation for a long period by making a fixed contract.

3448. Therefore, if the land has the advantage of monopoly on the one hand, it has the disadvantage of being irremovable and inconvertible?—Yes; each person must judge for himself as to to the prospective advantages and disadvantages of his property.

3449. One of the disadvantages being that ultimately the local taxation will fall without recourse upon the owner of the land?—Yes; subject always to bearing in mind of course that very few people who make building leases speculate upon what the local taxation will be in 80 years.

3450. Sir *Massey Lopes.*] You are already of opinion that in the poorer class of houses which you are more conversant with, the occupier pays the whole rates?—The occupier pays the rates; the contract with the owner having been made, the occupier must after that necessarily pay the rates whatever change takes place.

3451. In stating that the occupier pays the rates, you do not mean that he pays them out of his own hand, but he pays them in the shape of increased rent?—Yes, after the houses are once erected; but, no doubt, at the time of the erection of the houses the value of the land is affected by the fact of whether the rates are very high or very low im that particular district.

3452. What I want to ascertain is, whether, in your opinion, the poor people who occupy those houses which your company are interested in, pay the rates?—In my opinion they do pay the rates; that is to say, in this sense, that if you take all the rates off next year, in the course of a few years the tenants will have the benefit of that reduction; but that would take some time, because you cannot erect a house as you can bring so much more sugar to market.

2453. Is not this question of local taxation what you would call a poor man's question; it is a question of the pecuniary interests of the poorer class of occupiers?—Undoubtedly; and I explained that just now by stating that if that section of the Reform Act which compelled the occupiers to be rated instead of the owner, and to be rated at the full value, had continued, the occupier must have paid a higher rent, to include the extra rating; they must eventually have done so, some immediately, some in a year or two, and some perhaps, not for four or five years, dependent upon circumstances.

3454. Then you would say that high rates act as a great discouragement to the erection of buildings for the lower classes?—Undoubtedly. If the rates were reduced we, as a company, should be stimulated to increase the supply of the article.

3455. If the rates were reduced it would be a great stimulus to your company to build more houses?—Yes; because although we should not save, on making new contracts, the whole of the reduction of the rate, I believe we should save a portion of it.

3456. Then the amount of the rates very much influences your company whether they should erect more houses or not?—Undoubtedly, in this way, that if we have to go to a parish where the rates are very high, we cannot afford to pay the same ground rent as if we went to a parish where the rates are low.

3457. Then low rates would very much tend to increase the comfort of the poorer classes?—Undoubtedly so, because upon all existing property the occupier would very soon get the benefit of the reduction of the rates.

3458. To that extent, increased rates would very much diminish those comforts?—The increased rates of that property must come out of the pocket of the occupiers.

3459. And therefore would diminish their comforts?—Yes, as a poor man cannot afford more than a certain portion of his income in rent, if he has to pay more rent, he must take a smaller number of rooms.

3460. If a poor man, finding that his rates are increased, is obliged to take a two-roomed house instead of a three-roomed house, of course that very much tends to crowd his family together?—Undoubtedly.

3461. And does not that crowding, in your opinion, tend very much to produce, or to increase immorality and crime?—I have a very strong opinion that the character of a man is materially influenced by the character of his home, and I think, as a rule, you will find that the best class of workmen, whether in this country or in other countries, is found where you find the best class of house accommodation.

3462. You think that the house is a very good index of the man?—The house has a material influence upon the character of the man.

3463. The

3463. The Right Honourable Chairman has been asking you about ground rents; is it your opinion that those ground rents ought justly to be rated, or why should they be exceptionally omitted from being rated?—I do not understand how they are omitted.

3464. The landlord receives a certain amount annually from you as ground rent, does he not?—Yes.

3465. Do not you think that the landlord should in justice pay the rates upon that amount; why should he be excepted?—I think he does pay the rates, because at the time the contract is made, if he was going to pay the rates, those who take the lease would pay more rent.

3466. You pay a ground rent of so much a year for the land upon which those small dwellings are situated; does he pay any rates upon that ground rent?—He does not directly.

3467. Nor indirectly?—Except that if he were to undertake to pay the rates at the time the contract was made we should of course give more money for the land.

3468. But does any ground landlord ever undertake to pay any rates?—No, not to my knowledge.

3469. *Chairman.*] Do you consider that he pays them indirectly by getting so much less rent?—I consider that at the time the contract is made, the calculation between the two parties is this, what will the average of the rates be; and if they are likely to be low, then the ground landlord gets a better rent than he would if they were likely to be high.

3470. Indirectly, therefore, he is paying a portion of the rates?—Indirectly he is paying a portion of the rates during the whole of the term; but, of course, after the contract is once made, then the occupier pays any variation which may arise in local taxation, and necessarily so.

3471. Sir *Massey Lopes.*] Is not the amount of ground rent very small as compared with the amount which you pay for local rates?—I will take the second case, 35*l.* ground rent a year, and 38*l.* 6*s.* 5*d.* rates, in the parish of St. Saviour's, Southwark; that was land in the new street with nothing upon it.

3472. In that case there is almost the same amount for the local rates as for the ground rent?—Yes; one is 35*l.* and the other 38*l.*

3473. Mr. *Pell.*] The speculation that you are engaged in appears to be in one class, or rather in neighbourhoods of one character?—Yes; the rents vary from 4*s.* to 8*s.* a week; 4*s.* for a two-roomed tenement, which comprises the offices; and 8*s.* for a three-roomed tenement and offices of the best class.

3474. What I mean is this, that the places which you select for the operations of your company are of one character among poor people, I take it?—We invariably select sites where the working classes find it necessary to reside, and where we are likely to find customers.

3475. In your experience do you not find that where the poor reside, as you have just termed it, that is to say, where they are thick upon the land, in comparison with other classes, the rates are high?—No doubt the parishes I have given you are parishes in which the rates are as high, and higher on the average than the average of London.

3476. Therefore those would be rather the kind of places that you would select for building; you would go into places to build where the rates were practically high?—We have built in parishes where the rates are high, because those are the places where we find the people who want this character of accommodation.

3477. When you get into such a place and you are proceeding to build, you have two opposing elements against you before you commence building; one the landlord, who is going to let you the land and who will create a charge upon your building, and the other the amount of taxation, which is invariably a large one when you begin; and, if I understand you, you escape the one, that is, the ground landlord, by taking to the air, in fact, you ascend as a flying fish?—In this way—we calculate 30*s.* a year is about the average which each tenant can pay for ground rent, and if that cannot be covered by five floors, we must cover it by seven floors; that is how we divide the ground rent.

3478. With regard to the other opposing element, namely, taxation, you escape that, I understand, by laying it upon the tenement?—We do not escape it.

3479. I mean that you escape it at a serious reduction of your profit?—Whenever we have to pay a higher ground rent than the local taxes, and if we did not get it back from the tenant we could not go on.

3480. You have one way of dealing with your ground rent, you build more floors, but the more floors you build the more is your local taxation?—Yes.

3481. And you have only one way of meeting that, and that is the way which I understood you to tell the Honourable Member just now by charging the tenant with it, of course considering, in the first instance, whether he can pay it?—Yes, by making it a portion of the rent for the room.

3482. That forms a very large proportion, as I make it, viz., 14*l.* 17*s.* for rent, of which 1*l.* 18*s.* is for taxes?—I do not think I gave those figures.

3483. Five shillings and eightpence halfpenny was the rent weekly, and 8¾*d.* of that you would have to pay for taxation?—Yes, those figures I have given to the Committee.

3484. I think that is as nearly as possible 1*l.* 18*s.* for taxes, leaving you 12*l.* 15*s.* for rent, making the whole charge upon the tenant, 14*l.* 17*s.*?—I gave the gross per-centage 13·8 as as the proportion, which is probably the same thing.

3485. With regard to the ground rent, having yourself just recently signed those ground leases, should you think it a fair proposal, or assent to it in honesty, that the ground landlord should have, by Act of Parliament, a portion of the local taxation imposed upon him?—I should think it was very unfair if any such arrangement were made that did not except existing contracts.

3486. Is it not one of the conditions of the lease expressly set forth that all local rates and taxes, whether imposed then, or hereafter imposed are to he borne by the tenant?—Yes.

3487. And you would not lightly set aside such a condition?—I should think it most unjust for any Act of Parliament to set that contract on one side, because I, as a builder, have taken the chances of legislation in reference to local taxes, whereas the landlord has made a bargain that he shall not in any way be affected, that is to say his income out of the property shall be a fixed definite sum for 80 years, and I think any-

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thing which possibly interfered with that contract so as to put a part of the charge off me and put it on to him would be unjust and unfair.

3488. Is it not possible that the building may be a direct means of increasing the taxation, that is to say, if the ground remained naked land you would have none of that taxation, but the fact of building and bringing a population, perhaps of poor people, on to that ground is followed by considerably increased taxation?—No doubt the parochial rates rise very much as you increase the number of persons inhabiting a given area. If you take the case of bare land, and you assume it to be covered, of course the local authorities must provide drains, roads, and lighting, and all that of course increases the taxation, but at the same time it increases the accommodation.

3489. Colonel *Brise.*] Speaking of the cases in which you are interested, I think you said that the earnings of a man were 28 *s.* 8 *d.* a week, rental 5 *s.* 8 ½ *d.*, and local taxation, 8 ¾ *d.*?—Eight pence three farthings is the proportion of the 5 *s.* 8 ½ *d.* which the occupier pays.

3490. If there was no local taxation the occupier would only pay 5 *s.*?—He would do so eventually; for a time probably the owner of the houses might seek to put the difference into his pocket; but as that would make the houses a very profitable speculation, there would be an increased supply of the article, and the price would go down.

3491. However, if there is any increase or decrease in the 8 ¾ *d.*, do you make any alteration in the rent of those houses?—If it was to be material and likely to be permanent, then we should endeavour to make an alteration; but if it was merely temporary and arising from local causes, we should not disturb the arrangement by altering the rent.

3492. Did I rightly understand you to say that the owner of house property is more interested in local taxation than the owner of land?—I think I said that the occupier of house property was more interested in local taxation than the owner of land; and necessarily so, because the owner of the land has made a definite contract by which his interest cannot be affected by alterations in the local taxation.

3493. Sir *James Lawrence.*] A question was asked you as to the groundrent with reference to the possibility of such buildings not being erected on a given site; but is not the price obtained for building land five times as much as if it were land not intended for building purposes?—No doubt land intended for building purposes fetches a much higher price than land not intended for building purposes.

3494. You mentioned that the price obtained for your tenements has averaged 5 *s.* 8 ½ *d.* I suppose they would not be suitable at all for the lower class of workpeople at all; that is to say, labourers and persons of that class?—The incomes average 28 *s.* 8 *d.*, varying probably from 1 *l.* a week up to six or seven or eight and thirty shillings.

3495. For example, a policeman in the City of London would not be able to occupy your rooms?—Not unless he sublet one of the rooms; he could not occupy this number for his own use, only by sub-letting one room.

3496. He could not afford to pay the rent?—No; only that persons in that case generally take a three roomed tenement, and let one room to a single man, and that reduces their rent to a sum which they can afford to pay. We do not provide single-roomed tenements, except in that way.

3497. Do I understand you rightly, that if the local rates were very much reduced the rent would be equally reduced?—Undoubtedly, in all those buildings.

3498. Mr. *Seely.*] On whom would this rate fall; I suppose it makes no matter to you whether you pay 300 *l.* a-year for ground-rent and 300 *l.* for rent, or 400 *l.* for rates and 200 *l.* for ground-rent?—None whatever.

3499. Supposing that in a district you were paying 300 *l.* a year rates and 300 *l.* rent, and those rates were to increase to 400 *l.* a year, and you were going to erect more buildings, you would then be only able to offer 200 *l.* a year for groundrent, and you would be only able to take a piece of ground at 200 *l.* a year groundrent instead of 300 *l.*?—Quite so.

3500. And as no one else would be able to offer more for it, that would be the value of the groundrent; that is, what the ground landlord would get?—Assuming that he were offering the market price, that would be so.

3501. In the same way, if the rates had fallen to 200 *l.*, then you would be obliged to pay 400 *l.* a year groundrent, because it would pay either you or some one else to build houses, and to pay 400 *l.*?—Yes; and that is why I answered the question as to whether the owner or the occupier paid the rates in this form, that at the time when the contract was made any heavy local taxation comes out of the pocket of the owner; but, inasmuch as building contracts are made for a very long period of years, during the whole of that period any increase must come out of the pocket of the occupier.

3502. The interest that satisfies you at any particular time for those houses is fixed, is it not?—Yes; we started with the principle that five per cent. was a proper return.

3503. And the rent which the occupier can pay is also fixed, and it answers a man's purpose to give so much money for such a house?—I think you may take it as a rule that the working classes cannot afford to pay more than one-fifth of their income in rent, and I think that will apply whether you take a costermonger at 15 *s.* a week, who pays his 3 *s.*; or whether you take a man at 35 *s.* a week, who pays his 7 *s.*

3504. Therefore the only amount which is uncertain is the ground rent?—The ground rent is a certain quantity directly the contract is signed.

3505. I am speaking of the period before the contract is signed?—Before the contract is signed, of course the ground rent has to be fixed; but the local taxation, which is one element of the expense, may materially vary during the whole course of the lease.

3506. When you were going to build a new house these elements are fixed—the rent which the occupier can pay, the interest that will satisfy you, and the local burthens?—Yes.

3507. The only element which is uncertain is the ground rent; therefore on the ground rent falls the whole of those local burthens?—That is, if there were no local burthens at all, a portion of the sum which I estimated might have to be paid during the term of the lease in the form of local burthens would be added to the ground rent.

3508. Because either you, or some other company,

pany, to whom it would pay to erect houses getting a certain amount of interest, would give that amount of ground rent?—They would give that sum either in ground rent, or in local taxation.

3509. But the other elements are fixed; the interest is fixed; the rent which the occupier can pay is fixed, and the local rates are fixed; the only element which is not fixed is the ground rent?—At the time of making the contract it is so.

3510. As soon as the contract is made the owner of the houses and of the ground rent are one and the same; he is then the owner of fixed property in the same way as the ground landlord was?—As soon as the contract is made the local taxation immediately shifts on to the occupier, and he takes the risk of variation.

3511. Mr. *St. Aubyn.*] With regard to adding storeys to your houses, do the Committee understand you to say that you added storeys *ad libitum* whenever it suited you?—We vary the height of the buildings from two storeys to seven storeys, according to the amount of the ground rent, in order to bring the ground rent as near as possible to 30*s.* per tenement per annum.

3512. After you have entered into a contract with the ground landlord, do you, if it suits you, add to the storeys of the houses?—Before we make any contract, we calculate whether we can put so many tenements upon the land as will bring the ground rent to 30*s.* per tenement per annum. If we cannot, we should then consider the ground rent too high, and we must abandon the contract.

3513. That is to say, you would determine the height of your houses and the number of storeys before you made the contract with the ground landlord; you do not add storeys to the houses after you have made the contract?—No; at the time we are negociating we determine whether we can put as many tenements as will cover the ground rent.

3514. That is before the contract is signed?—Yes.

3515. Mr. *Pell.*] I suppose it really comes to this, that the amount of the ground rent with reference to the space which you get for that ground rent, depends very much upon the crowded state of the neighbourhood; the amount of land that there is in the neighbourhood, the demand that there is for dwellings, and the competition that there is to build upon the land?—The amount of the ground rent is modified, no doubt, to a great extent by the demand which there is for houses in that particular locality. As an illustration, if in a particular neighbourhood it is very convenient for workmen to reside, they are willing to pay a trifle more per week than if they had to live further off. As an illustration, I will put it in this way; a woman was engaging a tenement, and we said to her, "Well, but this is 6*d.* a week more than you are paying, how can you manage it?" "Well," she said, "my husband will be going out to his work and coming home to his meals, and therefore it is worth 6*d.* a week more to me," and therefore in a neighbourhood where men are closer to their work, their wives will pay more per room than they will do when they are a long distance from their work.

3516. It is obvious that you could not go on raising storeys upon storeys till you got it to such aheight that it was inconvenient for the tenants to mount to it, unless there was a great demand, and unless you graduated your rents the higher you got?—There is obviously a limit in height both as affecting the cost of construction and the question of convenience to the tenants.

3517. Therefore it is only in districts where there is a great demand for houses that you are able to build those flats one above the other, and the landlord is able at the same time to get a high ground rent; it is not from any design in the office of your company that this is carried out, but it is in obedience to the conditions under which you build?—Undoubtedly.

3518. *Chairman.*] You divide the ground rent over a large number of tenements?—Yes; if the ground rent is very high we divide it over a large number of tenements, but then we could not do that except in localities where there is such a demand for tenements; otherwise they do not take the trouble of going up so many flights of stairs.

3519. But the ground landlord has no control over you whatever, as regards the number of storeys; he does not ask you, in fact, about the number?—No.

3520. Mr. *Pell.*] Only the Metropolitan Board of Works have anything to say to that?—Yes.

3521. Sir *Massey Lopes.*] That is an arrangement by your company, in order that the ground rent per tenement, shall in no case exceed 30*s.*?—Yes, exactly. As a rule, the landlord does not object to the increased value of the property on the ground; of course, the more you put on it the better for him.

3522. Mr. *Pell.*] Are you limited as to your method of building by the Metropolis Building Act?—Yes; every one is subject to the Metropolis Building Act.

3523. Mr. *Seely.*] Does not it cost more per house the higher you go, to build seven houses one on the top of another, than it does to build them only five storeys high?—The variation between seven and five is comparatively nothing, but the variation between seven and two in the price of a room is worth consideration; it costs a trifle more to build them per room, but not very considerably more.

3524. *Chairman.*] Did I rightly understand you to say, in answer to an Honourable Member, that the tenant paid the whole rate?—I should like to be understood upon that. My opinion is this: that at the time the contract is made with the owner of the ground, and before the building lease is executed, the price of the ground is affected by the amount of local taxation; but inasmuch as building leases are for such a very long term, my impression is, that the increase which has been going on for the last 20 years in local taxation has come, as a rule, out of the pockets of the occupiers of this particular class of tenements and that perhaps may be best illustrated by the fact that during that period there has been such a very large increase in the price per room of this class of tenement.

3525. In fact, it is not the whole 8*d.* a week, but it is so much of the 8*d.* a week as represents the increase since the original contract with the ground landlord was made?—Yes.

3526. The 8*d.* may be divided into two parts, and a portion of it is paid indirectly by the owner of the ground rent, because he would have got so much more rent if there had not been that taxation?—Yes.

3527. But the increase which has sprung up since that contract is paid by the occupier?—Yes.

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3528. Sir *Massey Lopes.*] Is it your opinion that the ground rent amounts generally throughout the metropolis to the same sum as the local rates?—No, certainly not; and I will explain why it does not.

3529. Surely the ground rent does not amount to the same sum, as a general rule, as the local rates?-- No, for this reason, that in our case we put so very much more property upon a given space of ground, I mean so many more rooms, than are to be found in ordinary cases, and so the amount of the assessment is governed by the number of rooms, and the rent which they fetch; of course we get a larger assessment upon a given quantity of land, than is ordinarily to be found, especially in the case of houses occupied by this class.

3530. *Chairman.*] That means to say that, generally speaking, your local taxation is higher as compared with the ground rent than it would be if they were simply poor cottages?—Undoubtedly.

3531. The poor cottages, or whatever they were, would pay the same ground rent as you would?—They would pay the same ground rent and local rates according to their net annual value.

3532. Houses covering a certain space, if they were miserable houses scarcely two storeys high, and if they were very bad tenements, would not be assessed at the same amount as your lofty tenements for which you get high rents?--That is to say, the same space of ground would not produce to the parish the same assessment in the one case as it would in the other.

3533. Your assessment would be higher?—Yes; because there are so many more rooms on the same space of ground.

3534. But the ground rent would be about the same, would it not?—That is difficult to answer. In all probability, in the case which I referred to in Finsbury, the ground rent is nearly equivalent to the net rent of the old buildings, the old buildings being only just two rooms.

3535. Sir *Massey Lopes.*] Is not it, in your opinion, very exceptional for the ground rent to be so very high as that in proportion to the rates?—I take a more recent example, which is not subject to exceptional circumstances at all, and that is the case of St. Leonard's, Shoreditch, where the ground rent is 260*l.* and the local rates are 279*l.* That is a very recent contract, and a very recent assessment.

3536. *Chairman.*] And Shoreditch being a high rated parish?—Rather.

Friday, 29th April 1870.

MEMBERS PRESENT:

Mr. Backhouse.
Mr. Birley.
Mr. Corrance.
Mr. Fielden.
Mr. Goschen.
Sir Massey Lopes.
Mr. Pell.
Mr. Rathbone.
Mr. St. Aubyn.
Mr. Charles Seely, jun.
Mr. William Henry Smith.
Mr. Walter.
Mr. Wheelhouse.
Sir Hedworth Williamson.

THE RIGHT HONOURABLE GEORGE JOACHIM GOSCHEN, IN THE CHAIR.

Mr. CHARLES GREY GREY, called in; and Examined.

Mr. C. G. Grey. 29 April 1870.

3537. *Chairman.*] ARE you acquainted with farming, both in England and Ireland?—Yes.

3538. Do you yourself farm land in both countries?—Yes, I do.

3539. In what part of England?—In Northumberland.

3540. And you have also had experience as a land agent, have you not?—Yes, very largely in both countries.

3541. Especially in the north of England?—In Northumberland mostly, in England, and in Limerick and Tipperary and other counties in Ireland.

3542. Have you given your attention to the subject of local taxation?—Yes, a great deal, for the last 20 years, in both countries.

3543. Therefore you are well acquainted with the differences between the two countries, with respect to local taxation?—Yes, pretty well.

3544. In Ireland the poor rates are divided, are they not, between the owner and the occupier above a certain line?—Yes, above 4 *l.*

3545. Below 4 *l.*, what is the rule?—In that case the rate is paid by the owner.

3546. And the rate above the 4 *l.* line is collected from the tenant, who deducts it from his rent?—Yes.

3547. Does that apply to towns as well as to the country?—Yes, I think it does. I have not had to do with any large towns; but in the small country towns it certainly does.

3548. Are you aware whether the owners usually make bargains with their tenants to deduct the taxes?—I have heard of its being done, but I do not know an instance of it myself.

3549. We have had evidence given us here, that in farms in Ireland, the usual custom is that the tenant deducts half?—Yes, it is the almost universal custom, I should think.

3550. In your opinion is the system of the division of rate in Ireland attended with advantages?—Very great, I think.

3551. Will you state those advantages to the Committee?—One of the advantages is, that it gives the owner of the land, or his representative, a much greater interest in the administration of the rates than the landowners in England, as far as my experience goes, take in the matter; I think that is the chief advantage; another is one, or rather would be in England, if we had that system, that where we have long leases and the rates vary very much during the currency of those leases, and the tenant having taken a farm on a certain ascertained average rate which he has to pay, it would be only fair that the owner of the land should share the fluctuations of the rate during the currency of the lease.

3552. Will you state to the Committee whether, as a general rule, in your opinion, the rate is paid by the owner or by the occupier?—There is no doubt that when a tenant takes a farm he takes it with the impression that he has a certain amount of rates to pay, but if the rates have been increased very much during the lease, and he is seeking to take his farm again, I think the landlord or agent, in fixing the amount of the rent which he has to pay for the new lease, takes very little account of the alteration in the amount of the rates during the previous lease.

3553. If the farming profits had remained identical during that time, would it not be necessary for him to do so, in England at least?—If the landlord insists upon having too high a rent, the tenant would not take the farm, and they would have to go to the public, and all that might be taken into account; but a tenant who is already on a farm, and wishes to take it again, will very often consent to take it at rather a dearer rent than he would think of giving if it were a new letting.

3554. In fact, the tenant, rather than change his tenancy, which is attended with very considerable expense would be willing to drop the question of rates, unless the difference was too great?—Generally so; that is my meaning.

3555. But as a broad rule, would you say that this is a correct statement of the facts, that what may be called the average rate is paid by the owner, and that the excess over that average is paid by the tenant, during his tenancy?—I think that is generally a correct statement; because clearly, if there were no rates to be paid by the occupier, he would give more rent for the farm.

3556. Therefore, to put it quite broadly, for the sake of argument, if the rates were swept away, the main part of the advantage would go into the pocket of the landlord?—I think it would, certainly at new lettings.

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3557. Are you as clear about this point, that during the tenancy, even if it is not under lease, the excess over the average rate is usually paid by the tenant?—Certainly; if the farm is not on lease, there is no difference made in the rent on account of the increase in the rates.

3558. Not unless it reaches a very exorbitant point?—I have never heard of its arriving at that.

3559. You have never known that in your experience as agent?—No.

3560. You have possibly not been called upon to deal with the increase of rents if the rates were very much reduced, but can you say whether the landlord would not, in such a case, demand a higher rent?—I have not been fortunate enough to have instances of rates being reduced. In my experience, they have always been increasing during the last 20 years.

3561. Has not the passing of the Union Chargeability Act tended to shift the burthens considerably?—They are relieved in the towns a little, where I have not had much to do with property; but in nearly all the estates which I have had to do with, the consequence of the passing of that Act has been to increase the rates very much.

3562. Have you never been called upon to advise the owners of farms, of which you are the agent, to increase the rent in consequence of the reduction of the rates?—No, I have never been so.

3563. But no doubt if the rates were very materially reduced, owing to legislation or any other cause, the landlords would be able to raise the rents upon their tenants to a certain extent?—Yes, where there were no leases, no doubt.

3564. Supposing that the Irish system were to be introduced into England, either partially or entirely, do you think that that would have the effect of throwing a portion of that excess over the ordinary rate upon the landowner?—If you did not make the legislation apply to existing leases, it would depend then entirely upon whether the rates after the beginning of a new lease went on increasing or decreasing.

3565. But you would interest the landlord either in the increase or the decrease?—Yes, certainly that would be my great object.

3566. That, you consider, would be an object beyond the possible object of relieving the tenant?—I think it would.

3567. Supposing it were proved that the landlord would be able to raise the rent precisely in the same proportion as the tenant would be relieved by the rates, you think, nevertheless, there would be economical advantages in such a change?—I think there would.

3568. You think it would be attended with advantages beyond the relief to the occupier, if there were such a system?—I think so.

3569. Does that remark apply to the various kinds of rates on farms, or do you apply it chiefly to one?—I apply it to all; I treat all the rates alike in that respect.

3570. You would divide both the county rate, the poor rate, and the highway rate between the owner and the occupier?—Yes, all of them, certainly.

3571. Would your view apply more particularly to any of those rates in proportion as they may be called rates which improve property, as distinguished from rates which are a mere burthen upon those who pay them; would that argument apply to a rate such as the county rate, where value is given, more or less, for the money, rather than to the poor rate?—No, I think generally it would apply to all; it might, in the case of some landlords, have more effect in cases, such as the improvement of roads, where it applies specially to the improvement of property.

3572. In your opinion, does the payment of the entire rate at present by the occupier keep down the expense?—It does in the case of the highway rate to a very material and exceedingly injurious extent, but I cannot say as much for the poor rate.

3573. Would you say that the occupiers feel that the cost is so great that they do not look to the ultimate improvement of the property, which good roads would bring about?—I do not say that generally, but in my county particularly, I think it is, because the highway districts are made up of a very great number of small townships, and the farms are large; each township is rated separately, and the surveyor of the district is appointed by the waywardens, and the consequence is, that each waywarden, who represents either himself alone, or perhaps two or three more ratepayers, keeps his roads in the very worst possible state, and he insists upon the surveyor doing so in order that his rates may be kept down; but he does not object to the rates being raised in other parts, to have good roads when he is going to market, when they are off his own farm, because the rate is paid by other people.

3574. Can you tell the Committee whether the new Act has been introduced into Northumberland generally?—Yes.

3575. Universally?—I think in some cases the districts have been broken up again. In my district it is in operation at present.

3576. Have you attended the road sessions in Ireland?—Yes, regularly.

3577. Could you state to the Committee the different principle in Ireland and in England, and which you prefer of the two as regards roads?—A description of the Irish system would be rather long. There is a county surveyor for the whole county applicable to the roads, which we have not here. The county is divided into baronies, and the rate for roads is equal over the whole barony. The county surveyor has assistants in each barony. Each barony has a road sessions, and there are twice a year road sessions held at which the county surveyor presents a list of all the works that are necessary, the roads that are out of contract, and the members of the road sessions take them into consideration, and put a maximum price on every work. The road sessions then are adjourned for a fortnight, and tenders in the meantime are taken in, and at the adjourned road sessions the lowest, if satisfactory, is accepted. That tender is signed by the contractor and his sureties, and is then binding on him, subject to the approval of the grand jury at the assizes. The grand jury have the power of putting a veto upon any act of the road sessions, but they cannot alter the act; immediately the *fiat* of the judge is put to the act of the grand jury approving the proceedings of the road sessions, the contract becomes binding on the county as well as on the contractor, and the surveyor has very summary powers by summoning the contractor before the magistrate to insist upon the contract being carried out to great perfection. The consequence is that the roads are remarkably good

good in every district. If there is anywhere a fault, you see it, and have it rectified in a few days.

3578. What would be the closest analogy in England to the barony?—In the north of England the poor law unions, which are pretty large, would, I think, pretty nearly correspond.

3579. Are they not as large as petty sessional divisions?—The baronies in Ireland are larger than the petty sessional divisions are generally.

3580. Mr. *St. Aubyn.*] Do they include several parishes?—Yes, several parishes.

3581. *Chairman.*] The area is considerable, is it not?—Yes, the area is considerable; there are perhaps five or six in a moderate sized county.

3582. Is it more like a hundred?—We do not know anything about hundreds in the north of England.

3583. Mr. *Corrance.*] Is there a separate valuation for each barony?—No, it is all under the county organisation; the assistant of the county surveyor is confined to the barony, or to any particular locality.

3584. *Chairman.*] Who appoints the county surveyor?—The Lord Lieutenant of Ireland.

3585. Is he a Government officer?—He is appointed by him, and I think almost the only control that the county has over him, which is considerable of course, is his payment by the grand jury.

3586. He is appointed practically by the Crown, but paid by the county?—Yes.

3587. Can you state to the Committee the constitution of the road sessions?—I think all magistrates acting in the district are members of it; and a certain number, an equal number, I think, of ratepayers taken indiscriminately; a certain number are summoned, and their names are taken out of a hat till they have enough.

3588. Are you satisfied with the constitution of the highway boards in England?—No, not by any means, with those that I am acquainted with.

3589. Will you state what objections you see to their present constitution?—The first objection is, that they are far too large; it is impossible for them to do the business; I do not know the number on the Hexham Board, which I attend, but I believe it is considerably over 100; it is a very large number, but they never all attend, except when there is an official to be appointed, or something of that kind.

3590. Mr. *St. Aubyn.*] That number includes, does it not, the *ex officio* waywardens?—Yes, but there are not more than two or three of them that ever attend in my district.

3591. Do you say that there are about 90 elected members on that board?—I am not quite sure whether there are not more; I have not the numbers with me, but I rather think there are over 100.

3592. Sir *Hedworth Williamson.*] I am afraid it is not a very favourable specimen of the working of the New Highway Act?—Indeed, it is not.

3593. It began badly, did it not?—Yes.

3594. *Chairman.*] What would be the mileage of the roads?—I believe, in our district, there are about 700 miles; but a great many of them are common roads and drift roads, which are not made, and never will be probably. But there are other objections besides the number; that is to say, we have townships there, each of which townships formerly was rated to the poor before the Union Assessment Act passed, and those are rated separately, and each appoint their own waywarden; that is the reason why we have so many waywardens elected. Each waywarden has a certain local interest, not only in the rates, but in the roads; and the surveyor of the district being appointed by them, for he is their nominee, is completely under their control; and it is utterly impossible that we can ever have good roads under that system.

3595. Can you state your impression of the maximum number that attend on this highway board?—Fifteen or 20 on ordinary occasions.

3596. On a great occasion, have you seen as many as 100?—Yes, 100 or more.

3597. Supposing your view was adopted of dividing the rates between the owner and the occupier, what changes, if any, do you think would be necessary in the constitution of the boards administering the rates?—If you could begin by making the rate over the district, the same as the union rating for the poor, you might then make each waywarden represent a much larger district than he does at present.

3598. My question is rather directed to this point; that, supposing the owners pay a portion of the rate, would you think it right to give them a representation both on the highway boards and boards of guardians, different to the representation which they have now; you are aware that at present the owners are not represented, except so far as the *ex officio* guardians may be said to represent them; would you think it necessary to give them any other representation if they paid *bonâ fide* half the rate?—I do not think it would be necessary. If they attended the meetings they would have quite a sufficient amount of influence as *ex officio* members of the board, or if they were not magistrates, they would be as sometimes proprietors now are, elected waywardens to represent districts.

3599. Elected by the ratepayers and as ratepayers?—Yes.

3600. Do the *ex officio* members, as far as your experience goes, attend as regularly as the other guardians?—Only one or two that I know attend regularly.

3601. Do not you think you might secure their attendance more regularly if they were elected as owners, or by owners especially to represent the owners who would be rated?—I think that if they paid half the rates they would naturally attend without being elected; I should expect so at least.

3602. Would not practically the small freeholders be excluded?—No, because they would have a voice in the election of the waywardens.

3603. I am not thinking of highway boards especially, but I mean generally would not the result be this, that you would have the large owners, who may be said to be represented by the *ex officio* guardians, and you would have the occupiers as ratepayers represented, but the small owners would be paying rates without having any representation at all?—They would not be paying rates any more than a small occupier, who is not represented, or is only represented through the guardian, or waywarden, or whoever he elects to represent him at present, and the small owner would be just in the same position as he is now.

3604. But the small owners might be a small body, and not be able to carry their candidate, whereas the occupiers, being a very large number, might

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might be able to out-vote the owners?—I think that their interest would be identical; I do not see how there would be any antagonism between them.

3605. Then you do not think it important to give the owners a direct representation, as I understand you?—I do not think so; they have no more direct representation in Ireland than as *ex officio* guardians, and I have not found any harm to result from that.

3606. They pay half the rates, and yet they have no direct representation beyond what they have in England?—No.

3607. Are you at all aware whether the *ex officio* members do take more interest in Ireland than they do in England, in the administration of the local rates?—In the districts of which I have had experience they do very much more.

3608. Do you attribute that to their paying a portion of the rate directly, and feeling the variations of the rate accordingly?—I think that probably has a great influence.

3609. Do you not think that if the system were introduced into England the landlords would make an arrangement with their tenants by which they would stipulate that the tenants should pay the whole rate?—I do not think they would; I think that the fact of a certain law existing is generally accepted; it is only for some very particular reason that it is deviated from in making the contract.

3610. Would you not, as an agent, recommend the owners of the farms with which you are connected, to protect themselves by asking the tenants to pay the whole rate?—Certainly not.

3611. Would you explain why you would not?—Because, if the Legislature holds that it is fair that the rate should be divided equally, I do not think it would be right for me to advise the owners of property to run counter to that which is supposed to be a wholesome system.

3612. Not if it were left open for the parties to contract if they chose?—No, not even then.

3613. It might be advisable, possibly, to put a clause in the Act, as there is in the Income Tax Act, preventing the owner from contracting with the tenant for the payment of the rates by the tenant; but you mean independently of that; even if that clause were omitted you do not think that the owners would arrange that the tenants should pay all the rates?—I do not think they would, or very few would.

3614. Are you aware that in towns, where there is the sewer's rate, which is considered as an owners' rate, they continually arrange for the payment of that rate by the tenants?—I believe they do; I have not had much experience in that, and, of course, I cannot tell what the reason of it may be; but owners have not got accustomed yet to paying their share of the rates; if it became law and it became general, I think they would accept it in all cases.

3615. Do not you think that the temptation to know how much exactly will be deducted from them from year to year in the shape of rates would induce them to make an arrangement with the tenants for an equivalent amount of rent?—I do not think it would. They would take their chance as they do with the income tax, whether it is a penny more or a penny less.

3616. Are you aware that in the Income Tax Act there is a clause to the effect that deductions are not legal?—Yes; but the landlord, of course, has no control over the income tax; I mean that under schedule A of the income tax, the landlord has no control over it, if Parliament makes the income tax 1 *d.* or 2 *d.* more or less.

3617. You think that if Parliament were to divide the rate between the owner and the occupier, it would not be likely to prove a dead letter?—I do not think it would. I think that landlords generally accept the position that is put upon them, without trying to evade it.

3618. Mr. *Corrance.*] In Ireland the holdings are very small compared to England, are they not?—Yes, of course there are very many small holdings in Ireland.

3619. In your opinion does that constitute any advantage in the division of the rates or the contrary, or what effect would it produce in such a division?—I do not see that it makes any difference.

3620. For instance, if he had so dealt with property consisting of holdings of 10 *l.* each let from year to year, would it make no difference in that respect as contrasted with large holdings under lease?—I think not, because the increase of a certain per-centage to the rates is of as much importance to the man who pays 10 *l.* a-year as to the man who pays 1,000 *l.*

3621. But is he in a position to take as much notice of the administration of the rate, or to exercise as much control over it?—A small ratepayer always takes a part in the election of guardians, just as much as a large one.

3622. Do you find in practice that where the constituency, if I may so call it, is mostly composed of small occupiers, the same administration prevails as does where it is composed of large occupiers?—They take quite as much interest in the election of the guardians, and they very soon find out if the rate is 1 *d.* or ½ *d.* more than it was the year before.

3623. That is your experience of Ireland?—Yes; they find it out just as soon as the large farmer does.

3624. Had you any experience, as a land agent, of two classes of property, one where there were large grazing farms held by substantial occupiers for long periods, and the other where there were small holdings and the tenants were mostly of the poorer class, as in the case in other parts of Ireland?—Yes, I have had experience of both kinds.

3625. Practically, in the working of this law, you do not find much difference?—No; the small occupiers take just as much interest as the large ones.

3626. Does the landlord protect himself in any way by requiring the services of his agent upon such boards of local administration, or is the landlord represented there?—If he is not resident, he may have an agent who is, perhaps, an *ex officio* guardian.

3627. Do the agents usually act so in Ireland?—On large estates nearly all do; and on the small estates the owner himself, if he is resident at all, is an *ex officio* guardian.

3628. You know England as well as Ireland; it is not so in England, is it?—Agents are not, as agents, generally *ex officio* guardians in England.

3629. And as business men they rarely attend?—I think those who are *ex officio* guardians do attend.

3630. I mean that the land agent very seldom represents his landlord at the local board of administration?—He is not so often an *ex officio* guardian,

guardian, or a magistrate, as is the case in Ireland.

3631. Nor so often elected as a guardian?—He is frequently a guardian, but then he is not necessarily made such to represent the owner but merely as a resident.

3632. With regard to your answer as to landlords pocketing the difference of any remission that might accrue in the rates; do you assume, as a practical man, that landlords do avail themselves of any small sums that may happen to be cast into the common lot?—No, I never heard of it being done: not in my experience.

3633. Is it not part of your experience that, if a large margin of general profit out of industry is left, a pretty general subdivision of those profits will take place between all the parties concerned in equal proportions, or nearly so?—Ultimately it would be so; after so many years.

3634. In such untaxed industry the rents may be slightly higher, and the profits would be therefore larger, and the labourer better paid; would not that be the result of an unburdened industry?—No; labour is regulated by supply and demand, rather than by the burdens of the land.

3635. Has not it been the case with manufactures, that as the profits have increased the wages have increased considerably, and, in fact, all classes have participated?—I am not much experienced in those matters; but one often hears that profits are diminished, and yet wages are increased.

3636. Do you think it would be the result of such a thing that any one of those three classes, the landlord, the employer of labour, or the employed, the labourer, would have the power under existing circumstances of extracting to his own advantage every farthing of that remission; would that be so?—It would be just possible, of course, for a landlord, if his farms are not let on lease, to make such arrangement as that he should have so much more rent, and that he would pay the rates, when below a certain point; of course, he could do so, but I do not suppose that it would be done.

3637. You have said that you do not draw any distinction between poor rates and other rates; did you ever consider them as quite a separate question?—Certainly they have to be considered separately in some questions; but I put them together with regard to the basis of rating, and the mode of collecting them, and the way they should be divided between the occupier and the owner. I class them altogether in those respects.

3638. In fact, in your mind, you are acting more under a preconceived idea than from any distinct consideration of them as separate subjects?—I have not built up any theory about them at all.

3639. You take them as existing facts, levied and collected under one head?—No, I do not; they are not collected under one head. They have not been hitherto collected under one head, in Ireland or in England; but I think it would be an enormous convenience to us, and save a great amount of irritation and annoyance amongst farmers, if they were all collected together, once or twice a year, and by official collectors, instead of by overseers going seven or eight times a year all round from one place to another; men who do not know their business.

3640. Are the interests of the ratepayers absolutely identical in each case; are the interests of the landlord and the tenant identical as regards permanent improvements like highways and county rates of various classes, and those connected with merely such temporary matters as the employment of labour and poor rates?—Certainly not. There are some connected with county rate which concern the owner of the land more than the occupier, because very often there are improvements required to be done which may cost so much that it ought to be divided over a good many years, and the tenant of a farm may have only a very few years of his lease to run, and therefore he is not interested in them.

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3641. That is not so with the poor rate?—No.

3642. That is a mere temporary matter from year to year, is it not?—Yes.

3643. You have told us that the highways are a county organisation in Ireland; do you find that that works well?—I think that the Irish system of highways is as near perfection as any system can be.

3644. Is there any classification of the roads there, such as turnpike roads and parish roads?—There is a division, but in letting contracts each road for so many miles is let on a contract by itself; they do not let a district comprising one public road and one less used road together; each kind of road is let on a separate contract; but there are roads which are called in Ireland mail car roads, which correspond with our turnpike roads and main thoroughfares, and half the expense of keeping those roads is thrown upon the county at large, the work being done by the barony.

3645. There are some parish roads, are there not?—I am not aware of any. All the roads that I have experience of are on the whole barony.

3646. Under whose sanction would a new road, either a parish road or any other road, be made?—If it was a new road, it would have to be passed at two road sessions consecutively before it could go before the grand jury. Generally speaking, the road sessions consider the question of a new road, and see whether any contributions can be got from proprietors, or from any person who has works or anything which makes them particularly interested in making this road. If this can be done, they consider it again at the next road sessions, and then they agree to add so much to what is already subscribed to do the work, charging it on the whole barony.

3647. Mr. *St. Aubyn.*] The system of payment is simply this: that as a rule your roads in the barony are defrayed by the barony, with the exception of the mail-coach road, one half of the expense of which is borne by the county?—Yes.

3648. With regard to the highways in England, the Committee understood you to say at the beginning of your evidence, that you thought the whole of the rates should be divided equally between the owner and the occupier in the case of poor rate, county rate, and highway rate; have you considered particularly the question of highway rate, with regard to that opinion?—Yes, I think so.

3649. Evidence has been given before the Committee, that in Scotland the highway rate is borne wholly by the owners; will you state to

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the Committee what objections you see to the adoption of such a plan in England, with regard to highways?—I think that we have amongst our large farmers very practical business men, and that they would take an interest in the management of the roads of their district, and I do not see any reason why they should not contribute towards the keeping of them up. It is more to consider whether there is any sufficient reason for them not bearing any part of the burden, than to consider why they should bear it I think, because they bear it all now.

3650. Why would you move one-half of the burden from them to the owners; would it be for the purpose of giving the owners greater interest in their maintenance?—Partly for the purpose of giving them greater interest, and partly that a good deal of the work to be done on the roads for many years hence, must be more or less of a permanent nature, and concerning the proprietors more than the occupiers.

3651. Mr. *Backhouse.*] In your experience do you find that the elected members are at all jealous of the interference of *ex officio* members at the different boards, highway boards, and boards of guardians?—I have sometimes seen a little of it at the highway boards. When an *ex officio* member has wished some particular works to be done on roads that have never been repaired, the ratepayers say, "We are only on the farm for a few years, and we pay the rates, and it is very hard that we should do it; but if the proprietors come forward and subscribe to the rate we are quite willing to bear our proportion."

3652. When appointments are made, the *ex officio* members attend, do they not, in greater numbers than ordinarily?—Yes, certainly.

3653. Would you think that if the *ex officios* were elected either by the owners expressly, or by the ratepayers generally, as owners, they would have more influence on those boards than they have at present?—I have never considered that question of the representation of owners; it never was put to me before, but I do not see that it would make much difference, because from their position in the country they do already represent property, and they would not do so any more if they were elected.

3654. Do you think that they would attend better if they were elected?—If they were elected to represent a certain number of properties besides their own, they might feel it more incumbent on them to attend than if the business merely concerned their own estates.

3655. Mr. *Birley.*] I understand you to say that the fluctuations in the local rates in Ireland have not occasioned in your experience any corresponding alterations in the rents?—No, I have not found it so.

3656. Have there not been great alterations or fluctuations in the rates?—Very great; they were very high after the famine, and they were very much reduced afterwards.

3657. What is the length of your experience in Ireland?—I was 12 years on Lord Derby's estate, and shorter periods on other estates.

3658. Were you there previous to the famine?—I went there in 1851; in fact just at the worst time, as far as the burdens went, when the worst of the famine was over.

3659. Then you have had experience of extraordinary fluctuations?—Yes.

3660. But that has not occasioned any corresponding, or any very appreciable alteration in the rents?—No; the rates were very much reduced in some instances during my residence, and I never found that the rents were raised in consequence.

3661. *Chairman.*] Generally speaking, are the rents more stationary in Ireland than in England, or is there more change, as far as your experience goes, in the rents in Ireland than in England?—There is much more change in England.

3662. It is less often, is it not, that the landlord meddles with the rent, if one may say so, in Ireland than he does in England?—Much less, if you take estates which are let on leases in England, but there are some estates in England where there are no leases on which there has not been any very great change for many years; such estates, for instance, as the Duke of Cleveland's, where there has been very little fluctuation in the rents for very many years; but, generally speaking, in England the rents vary very much more frequently.

3663. Mr. *Pell.*] You have been giving us evidence with regard to the rates in Ireland; with regard to the police, the State pays the whole of that; you have no rate for the police in Ireland, I believe?—I think not; I think that the State pays the whole of it.

3664. With regard to education, the State pays three-fourths, does it not?—Yes; there is no education rate.

3665. With regard to poor rate, the owner pays half and the occupier pays half?—In all holdings over 4 *l.* a year valuation.

3666. With regard to county rate, who pays that?—The occupier pays the whole of it.

3667. That includes roads, and therefore the owner pays nothing for roads?—Yes, that is so.

3668. But who controls them?—The occupiers and the *ex officio* members of the board.

3669. How is the occupier admitted to any control over the roads; I thought that the sessions were composed entirely of owners?—No; the road sessions are generally more than one-half ratepayers.

3670. Are they elected?—They are not elected; they are rather taken by chance. A number of names are put into a hat, and they are drawn out at the road sessions. It is an open question.

3671. Who puts those names into the hat?—That is a question I am not quite sure about. I am not sure whether the name is not sent down either by the clerk of the peace or by some county officer, but there are a considerable number of names of ratepayers put into the hat.

3672. But the names, such as they are, that are put into the hat are given in, are they not, by the owners?—No, not by the owners. I think that the county official, whoever he is, knows that he is selecting a certain number of names from the ratepayers in the barony, and those again to be balloted for are taken by chance; and he is taking them to represent the ratepayers and not the owners.

3673. Have you not an officer in Ireland like the clerk of the peace in England?—Yes.

3674. Is not he the officer who makes out the list?—I rather think he is.

3675. But, at all events, he is not confined in making his selection to owners only; he can take simply occupiers?—He must take occupiers; he cannot take owners, unless they be occupiers too.

3676. So

3676. So that, in fact, you cannot say that the county rate in Ireland is controlled entirely by the owners?—You cannot say that, certainly.

3677. Therefore, the occupiers in Ireland have a distinct control over the county rate?—Clearly so.

3678. And much more so than they have in England?—They have none in England.

3679. And it is the same, is it not, with regard to roads?—Yes; the only thing in Ireland is, that the representatives of the ratepayers at the road sessions are not elected, they are taken partly by chance.

3680. Then this case could not arise in Ireland very well, that an owner interested personally in the formation of a new road, or in such extensive repairs of an old one as would give it the character of a new one, should be able to get that measure passed at the road sessions, and ultimately in the county sessions, which would be a direct personal benefit to himself, and the cost of which would fall upon the occupiers?—If he was the owner of the whole barony, it is just possible that he might have such complete control over all his tenants as to carry it through the road sessions, but he clearly could not influence the grand jury unless he had so much influence over them also as to be able to carry it through.

3681. An honourable Member asked you a question with regard to the road-rate in Scotland, and you said that it was all paid by the owner; but is not one-half of it recovered from the occupier?—I am not aware, from my own experience, of the working of Scotch roads.

3682. Generally, with regard to the collection of the rates in England, you occupy largely in England, and do you find much inconvenience yourself in your account keeping, and in the trouble that is given you from the way in which rates are collected from you as a ratepayer?—Very great.

3683. Will you tell us what the inconvenience is, and the point which annoys you now?—The township ratepayers meet four times a year and make four different rates; those rates are to meet the different precepts of the highway board, the county, and the poor law guardians; and the ratepayers every year elect a new overseer, a new parish constable, a new waywarden, and a new Poor Law guardian. The overseer is a simple farmer who takes his turn and knows nothing about the business; and it is a great deal of trouble to me and to those from whom he collects the rates, because, in a public office like mine, if there is a farthing mistake in his calculations, they come back from the Audit Office. So many small rates are exceedingly inconvenient; they are also extremely troublesome in going before the assessment committee, because the overseers know very little about the way in which the rates ought to be made out; one sits on the assessment committee day after day doing work which really a paid clerk ought to do; there are a number of gentlemen doing that which ought all to be done by a paid officer; and my very strong opinion is, and I have come to the conclusion long ago, that all those small local volunteer offices ought to be done away with, and that the whole collection ought to be done by a paid officer, and not so frequently.

3684. Do you find inconvenience in either your farm or estate accounts in apportioning, under different heads, the sums that are taken from you under one general sum for the poor rate, that is to say, have you a difficulty in ascertaining how much of that sum, which they collect under the poor rate, really belongs to repairing the highways, and how much to the county, and police, and so on?—Yes; we do not attempt it in fact; because the overseer comes and asks for the whole thing together, at so much in the pound, including all that he has to pay for his different precepts, and we never attempt to divide them.

3685. So that, under the present form of collection, the ratepayer's attention is not drawn to extravagance in any particular department?—He can always find it out at the township's meeting, because he knows what the precept is upon the township from each different body that requires it.

3686. He would not know that, unless he went through the overseer's account?—No, nor unless he went to the township meeting, where the overseer has to show his precepts.

3687. Do you not think it would be better for yourself that an estimate should be made for the year for the poor rate, and the road rate, than that there should be four collections?—Yes; I would not have four collections. There is an estimate made in Ireland for the year by the Poor Law guardians, and the rate is made once for the year.

3688. How often is the collection made?—It is collected once in the year; and most of the rates are collected in the office, in the principal market town, so that the collection is much less troublesome than in this country.

3689. Did you hear complaints in Ireland of large balances in the treasurer's hands?—There are very seldom any balances; the guardians take them into the general account in the banks; and if they have a large sum standing to their credit at one time in the year after the rate is collected, they are allowed to overdraw towards the end, in case their estimate has been rather short.

3690. With regard to the persons employed in the management and collection of rates, you think there are a great many people doing now imperfectly and voluntarily business which would be better done by fewer persons, who should be paid for it?—Yes, I have a very strong opinion about that.

3691. Do you think that paid officers in England might collect the rates, so that as where now there are two relieving officers for a union there might be two collectors?—I have not considered very much that there would be any advantage in employing a relieving officer as a collector, but I think you might have a collector or two collectors for a Poor Law union, if it was found necessary, who would have a central office in the place where the guardians and waywardens meet.

3692. Has it ever come under your notice, that there have been defaulters amongst collectors and overseers?—I have heard of such things, but I have never had such a case within my own experience.

3693. Sir *Massey Lopes.*] If, as you suggest, a paid officer were employed for the collection of rates, do you think that there would be any great objection in the division of those rates between owners and occupiers?—I do not see that that affects the question at all.

3694. You strongly recommend a paid officer, and also that, upon those precepts, or rather upon the

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the papers given for payment, there should be mentioned the objects for which the rate is collected; that you should see how much is for the poor and how much for the police, and so on?—It is on the precept, of course, because the precepts come from the different boards. One precept comes from the highway board, and another comes from the Poor Law guardians.

3695. But when the overseer comes with a paper to you asking you to pay the rates, he does not tell you how much is for police and how much for county rate?—No, he does not generally.

3696. The overseer comes to you for a lump sum?—Yes.

3697. He is not able to give you the specific amount for each particular charge?—He would have no difficulty in doing it if he was a paid officer, and knew his business.

3698. You recommend classification, do you not?—It might be desirable; and I think there would be no difficulty in it whatever; it is merely a line or two more in the printed form which he fills up.

3699. The overseer could show you the precept for the highway, but could he show it to you for every other rate?—For the poor rate he could.

3700. For the county rate could he?—I think the county rate is paid through the Poor Law guardians, but we know how much it is in the pound, because when the precept from the county comes to the Poor Law guardians, they say it will take so much in the pound, say a penny or a farthing in the pound to raise this sum, therefore one knows that so much of the rate which one pays is for that.

3701. Supposing that there was a division of rates between owners and occupiers, would you not consider that the owners ought to have direct representation?—If it is considered desirable, I do not see any objection to it at all, but I never considered the matter before.

3702. Do not you think that that would give them a better status at the board of highways and the board of guardians?—I do not think it would make much difference in that respect, but the *ex officios* would be known then to come to represent their own properties, which it is not known now that they come to do.

3703. You mentioned just now that in Ireland the police rate is paid by the Imperial Legislature. Do you know any reason, with your experience of England, why the national Exchequer should not pay the police rate in England. Can you draw any distinction between England and Ireland in that respect?—The Irish police are, to a certain extent, a military force, which our police are not, but in the ordinary local duties of police I cannot see why there should be any difference.

3704. The object of the police in both cases is to protect persons and property, is it not?—Yes, certainly.

3705. There is no reason, is there, why they should be paid by the Government in one part of the kingdom rather than in the other?—None whatever, I say, in the ordinary duties of the police.

3706. If any arrangement was made for the division of those rates between owners and occupiers, do not you think that it would, in a great measure, tend to interfere with existing arrangements as between owners and occupiers?—Clearly, and that must be provided for in one of two ways. You must either say that it shall not come into operation where leases exist, or you might say that it shall come into operation only taking as a basis the average rates for so many years past.

3707. It would necessarily interfere, would it not, with the present existing arrangement of leases?—It need not.

3708. Then you would only take the benefit of it after the lease has expired?—Certainly.

3709. Would you recommend that, in cases where the rates have increased, the owner should pay that increase; and also would you give him the benefit of any decrease in those rates?—I think that would be rather interfering too much with the contract that has been made between landlord and tenant.

3710. Still, if you are going to break the contract in one way, why should you not in the other way?—I do not propose to break it at all; I would let the present contracts continue, and run out.

3711. And start *de novo* at the end of the lease?—Yes.

3712. Do you think that if a portion of the management were given to the owners, there would be the same economy, or do you not think that the occupiers, for instance, paying those rates as they now do, are more interested in keeping them down than if the owners were combined with the occupiers in the management of them?—That is a very difficult question to answer. I think that where works were considered desirable, the tenant, knowing that he had only half the rate to pay, would be more easily persuaded to allow the work to be done, and therefore, in that respect, it might increase the rate; but in the ordinary expenditure and administration of the rate, I think he would take as keen an interest in it probably as he does now. I have not found in Ireland a tenant take less interest in the poor rate because he only pays half.

3713. Do you think that any substantial benefit would accrue to the occupier by making this proposed change?—I think there would. One great thing is, that it would do away with the grievance about their not being represented. I think also, that where rates are fluctuating, on the principle that the rate ultimately does come out of the pocket of the owner of the land, he should participate in that fluctuation.

3714. Supposing that was made law to-morrow, and the owner was going to make a fresh arrangement with his tenant, do not you think that he would put on an excess of rent, sufficient to make himself safe with reference to any increased rates which might occur during the tenancy?—I do not think he would; the rates would increase on the tenant as well as on him.

3715. For instance, we are possibly going to have an education rate; do you think that an owner, making a fresh arrangement with his tenant, would not take that into consideration and put some little increase upon his rent for it?—I do not think he would, because it would come to this, that if he put too much on, his farm would be too dear, and the tenant would not take it.

3716. You have probably more particular experience with regard to large holdings, but how would it be with small holdings; where your holding is very large it would not make the same difference, but in a very small holding would not the

the landlord take those minor matters, as you would call them, into consideration?—I do not think he ought, because if it was a small holding and he tried to throw a large increase upon the tenant, it would be just as hard upon the small occupier to pay a very much increased rate as it would upon a large occupier in proportion.

3717. Could you tell us, with reference to your experience in Ireland, whether there is any great grievance felt there with regard to the pressure of local taxation?—No; while I lived there the rates had generally decreased; the poor rate very much.

3718. There is very little out-door relief in Ireland, I believe?—Very little; there seems to be more now, but there was scarcely any when I left; it seems to have increased a little in the seven years since I was there.

3719. What is your experience in England with regard to the increase of local rates?—I can give an example of a tenant who told me that the poor rates which he paid in 1859 amounted to 93*l.* 15*s.*, and in 1869, 10 years afterwards, to 174*l.*, being very nearly double. That is the position, in consequence, partly, of the Union Chargeability Act, but not entirely; because, if you take any of those large farms, the rates have been increasing from year to year continually. For instance, there is another farm which was let in the year 1851 for 21 years, the rent of which was 470*l.*, and all the rates together, for the first three years, were only 12*l.* a-year; but they have increased gradually until, in the last three years, they have been 72*l.* a-year. They did not increase all at once when the Union Chargeability Act came into operation, but they have increased every year almost. I may say they have been regularly increasing.

3720. Are not those exceptional cases, or do you know of many others?—Not at all exceptional, except that in rural unions, I could find some district, where the rates have been reduced; in the town of Hexham, for instance, which is the central town of the district, where I have resided.

3721. Did you find a better attendance of boards of guardians in Ireland than in England?—Yes, I think there was a larger attendance there.

3722. How do you account for that, because in Ireland they pay only half the rate?—Yes; but a good many of the *ex officio* guardians attended there, and scarcely any of them do here. Then, also, in Ireland, they have not a union assessment committee for the poor rate which we have in England.

3723. Mr. *Pell.*] Is the assessment for baronies or townships?—In Ireland the area of assessment for the poor rate is the electoral division, which comprises one or two, or several townships.

3724. Sir *Massey Lopes.*] I presume the effect of union assessment has been very much to increase the rateable value of land; it has raised all the assessments in almost all instances, has it not?—Considerably so, I think.

3725. Do you consider that the intrinsic value of land has increased in the same proportion as those assessments have been increased?—No; I attribute it chiefly to the assessment committees looking more sharply after the true value of farms and finding out what the rents were.

3726. So that the increased assessments are no indication of the increased value of the land?—I would not say that they are no indication.

3727. But not to the same extent?—No; certainly not.

3728. Mr. *Rathbone.*] With regard to the difference between Ireland and England, as to attendance on the highway boards, is it the case that in Ireland the chief management of the highways is left in the hands of the magistrates?—It varies very much, I know districts where the ratepayers attend very regularly every sessions, and I also know districts, which are comparatively rural, in which they are all large proprietors, and the tenants seem to think that their affairs are as well managed as they could manage them themselves. I have attended a road sessions in those districts, at which there were nobody but two or three *ex officio* members, and no ratepayers at all, or only one ratepayer, perhaps.

3729. As a rule, the *ex officio* members do exercise a good deal of influence, probably, in their management?—They do, certainly.

3730. Is it not the case, also, that the class from which the *ex officio* members are taken are, perhaps, more at leisure in Ireland than they are in England?—I think that is very likely.

3731. Also, is it not the case that the ratepaying class have not quite the same amount of position or education, and therefore do not take quite so large a share in the management?—That is also a very sufficient reason; and in the districts which I have mentioned, where the ratepayers do take a very active part, they are men of much higher position; men who pay 600*l.* or 700*l.* a year rent, or more; and men who can take their position along with the *ex officios* in discussing public business.

3732. You said, did you not, that the system worked very well in Ireland?—Admirably, I think.

3733. But would it not be dangerous, owing to those differences which you have mentioned, that in England the *ex officio* guardians, unless they were representatives and chosen and had voluntarily undertaken certain work, might not attend as well, or have the same influence as they have in Ireland?—They might not; there are a good many country gentlemen in England who do not care about attending meetings where the farmers and people are, but rather avoid them; but I have a very strong impression that they would attend more to business if they had a more direct interest in the administration.

3734. With respect to the Poor Law guardians, is not the attendance of the *ex officios* very irregular, and in consequence their influence very much less than it is in the highway boards in Ireland?—It is less, but I do not see that it is entirely attributable to that reason that their influence is less. I think that if the *ex officio* members in any union in England attended regularly, they probably would have quite the influence due to the position which they hold in the country; but the reason that they do not have influence is, that they only come when there is an officer to be elected, or something special to be done, and then the guardians elected by the ratepayers do not like to see them there.

3735. I want to know whether the good attendance, and the consequent good management of the highway boards in Ireland, was not in a great measure due to the fact that the responsibility was practically thrown upon those men, and therefore they attended regularly?—No; I think the difference is entirely owing to the two systems; to the law. The Irish system of road

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making, and the rating for roads, is just and equitable; and the English system not only works badly, but is exceedingly injurious and harsh in some cases, and, in fact, is unjust; it is a thoroughly bad system.

3736. But still you think we should be probably more safe, do you not, in having a regular attendance of representatives of the owners, if they were distinctly elected for that object, than if they had to take their chance out of the *ex officio* members of the board?—I do not quite understand the question which has been put several times; when you talk of the owners being elected, I do not know how they would be elected, or who would elect them.

3737. Supposing the owners elected half the highway board in England, and the ratepayers elected the other half, would you not probably have greater interest and more regular attendance on the part of those elected members representing the owners, than you have now where there is only the indirect representation of *ex officio* members?—That I certainly think, but then in that case you would have to elect a great many more people to represent the owners than you have now *ex officio* members, and perhaps you would have to elect more owners than you have owners, if you wanted to have an equal number with the ratepayers on the board. You might have a smaller board, and if you did it would work much better.

3738. In cases like your own, where you represent a number of large owners, do you think that in country districts you would be able to find sufficient representatives of the owners to take their places with the representatives of the occupiers on a moderate board?—I should not in my case, because in England I only represent one large proprietor, namely, Greenwich Hospital. In Ireland, I represented a good many; but in England I only represent Greenwich Hospital, and there are districts where I should not find an owner at all who would represent the interest of Greenwich Hospital.

3739. But if you had the power of choosing men who were not *ex officio* members, but who were elected by the owners, would you be able to choose men upon whom you could rely?—I should have to choose them just as my nominees; and if they did what I did not like, at the next election I should have to put somebody else in instead of them.

3740. When you proposed the apportioning of the payment between the owner and the occupier, am I right in understanding you to say, that you did not propose to divide the whole rate equally between the owner and the occupier, but only the fluctuation above or below the average?—Ultimately I would divide all the rates. It is only in case you interfered with the present tenancies that I would bring in the question of averages.

3741. But did you not state in an answer that you gave lately, that you did not propose to interfere with existing tenancies?—I should not do so; but if they were to be interfered with at all, it would not be just to give a tenant, now holding under a lease, the power to deduct half his rates from the landlord, when he took his farm on the condition of paying the whole; but if you do interfere at all with the existing tenancies, which I do not recommend, you might do so somehow in this way: Take the average of the rates for so many years during the lease, or say from the beginning of the lease, if you like, arrange then that the tenant shall always pay the whole of it; but when it exceeds that amount, he might deduct half the increase from the rent.

3742. Would not that be a rather complicated calculation?—Not at all.

3743. Is not the average itself a shifting quantity?—No; but I should take a fixed average to begin with, up to the time of the passing of the Act.

3744. That would not meet the exact demands of justice, would it, because the average itself is liable to vary very much; because, supposing you take an average of seven years to begin with, you must alter that average every year if the amount of rate alters?—I do not propose to do that at all. Take the case which I have mentioned, where a man's rates were for three years 12 *l.* a year, and were increased to 28 *l.*, and 48 *l.*, and now are 72 *l.* He took the farm in 1851, and from that to the year 1871 the average of that man's rates, suppose, stands at 50 *l.* I would let him, to the end of his lease pay the 50 *l.*, and let him deduct from the landlord half the excess on that, and let it so stand to the end of his lease; then, at the end of the lease, he would come under the operation of the law.

3745. But that would be only an approximate mode of arriving at justice?—It would merely be a slight relief, that is, in case you determined to interfere at all with the present tenancies.

3746. With regard to the general question of rates, are you disposed or not to make any distinction between what may be called rates levied for the purposes of permanent improvements and rates levied for ordinary purposes; that is to say, in the case of county rates you would have what I should call permanent improvements, the building of lunatic asylums and gaols, and in the case of highway rates the making of new roads, and in the case of poor rates the building of new workhouses, supposing them to be required; are you disposed to make any distinction, or do you think that it would be practicable or desirable to do so, between the incidence of rates levied for those purposes and those levied for mere ordinary purposes?—I do not think it would be desirable, because for those works you borrow money and spread the payment over a number of years; and if you spread the payment over a number of years, I do not see that you need make any difference in the division of the rate equally between the owner and the occupier.

3747. Is not the county expenditure for the purposes which I have mentioned, somewhat analogous to imperial expenditure, and of an exceptional character, like the expenditure upon fortifications or for Abyssinian expeditions, and matters of that kind, and is it not usual to impose some rather special taxes on property when expenses of that kind are incurred?—Yes, but then you spread it over a great many years.

3748. Still, is it not rather the practice to provide for that increased expenditure by taxes which fall more especially upon property, than by those which fall upon articles of consumption, and might not a similar process be justifiable in the case of rates?—I do not see the need for it in the case of rates if you spread the payment over so many years; but if it is for a lunatic asylum, for instance, the occupier has just as much interest in it as he has in anything else if you spread it over a number of years; if he has his farm for a few years he pays only for those few years, and his successor pays after him.

3749. That

3749. That is an analogous case to terminable annuities, is it not?—It is a terminable annuity, in fact.

3750. In cases where great expense is incurred for imperial purposes, for what may be called permanent improvements, is it not usual to throw the burden rather more upon property than upon the mass of the population?—That is rather a question for Parliament than for my opinion, I think, because I do not venture to give an opinion upon national subjects.

3751. But are not the two cases somewhat analogous?—There is a certain analogy between them, of course, to some extent.

3752. Legislation is essential, I presume, in order to carry out the proposed plan that you suggest, namely, to employ a class of rate collectors, and to take care that the rates are levied by properly qualified persons, instead of by the present class of overseers?—Certainly, and very urgently.

3753. You think, do you not, that if the payment of poor rates is to be divided equally between the owner and the occupier, the owner should have a more direct representation at the board of guardians than he has at present?—If you have very large boards, as you have at present, he ought to have a larger voice.

3754. Take the case which you mentioned just now, of a large landowner who might be the only *ex officio* member of the board in a particular union; do you think it would be just that his single voice should be the only voice to represent his property in that union, or would you give him power to nominate a certain number of guardians?—I think he ought to have more than one voice if he has so much interest.

3755. Would you propose to give him that by giving him the power of nominating a certain number of guardians, in order that his property might be represented?—I have never considered that case before I came here; it did not strike me. My general impression was, that the influence of country gentlemen would secure their own ends if they attended to the business; but if that question is gone into, I am inclined to think that you must reduce the size of your boards very considerably, and then you may appoint a certain number by election to represent property, as well as a certain number to represent the occupiers.

3756. I asked that question because it was stated in evidence by Mr. Squarey, at the last meeting of the Committee, that he thought that elected guardians frequently took a loose view of a case, and they will not and do not deal as rigidly as *ex officio* guardians would do; is that your view of the present working of the system?—Yes; I think that many elected guardians, not having the same experience as magistrates, do not look so closely into their legal obligations as *ex officio* members would do.

3757. But do you think that the attendance of a large number of *ex officio* members would tend to a more rigid or a less rigid mode of working the present law?—More rigid, as to the legality of their proceedings, I mean.

3758. My question was with reference to expenditure?—You very often find that the elected guardians are exceedingly niggardly; for instance, in retiring allowances to old officers, and in matters of that kind.

3759. But they are more liberal to the poor, are they not?—No, I do not think they are over liberal to the poor, certainly.

3760. In what way do you think that the presence of a large number of *ex officios* would tend to economise the administration of the law?—I do not think I said that it would economise it.

3761. Do you think it would have any effect either way, either in increasing or reducing the expenditure on poor relief?—I think it would be as likely to increase it as to reduce it, but I think everything would be done more regularly, in a more business-like way; there would be fewer irregularities.

3762. Mr. *Pell.*] You think that the *ex officio* members would consider general consequences, while the elected members would attend more to particular consequences?—That is what I intended to express.

3763. Mr. *Birley.*] There would be a more intelligent administration?—Yes.

3764. Mr. *Corrance.*] You have had experience of the election of assessment committees, have you not?—I have acted upon an assessment committee for some years.

3765. You know that they are elected by the whole body, but that they are restricted to the choice of a certain number of *ex officios* and a certain number of elected representatives?—Yes.

3766. And that works well, does it not?—It works as well as the system of assessment committees can work; the mode of election works well.

3767. You said that the county surveyor in Ireland is appointed by the Crown; do you approve of that?—Yes.

3768. Does the Crown pay any part of the road expenses?—No, I do not think it pays any part of the road expenses.

3769. And yet they appoint their nominee?—Yes.

3770. Did you ever hear any complaints of its being made a political appointment?—I do not remember ever having done so; I think that the appointments have always been made, as far as I could judge, with a view to efficiency.

3771. And no complaints have ever been made to your knowledge?—Not to my knowledge.

3772. Sir *Hedworth Williamson.*] In answer to the honourable baronet the Member for South Devon, you alluded to the increased sharpness of assessment committees; should you be astonished to hear that, in a county adjoining to your own, there has been, mainly in consequence of the increased sharpness of those committees, an increase in the rateable value of assessable property in the county from the year 1862 to the year 1868, of 730,953 *l.*, which is at the rate of 121,825 *l.* a year?—I can quite conceive it possible in such a county as Durham under the assessment committee system.

3773. *Chairman.*] In Northumberland, is the land held chiefly under leases, or without leases?—Chiefly under leases.

3774. You stated, with regard to the increase in the rates, that the rate has very considerably increased since 1859; have you ever gone further back in your comparison?—No, I have not taken out the figures further back than that.

3775. You have not gone back as far as 1849 or 1829?—No, I began at 1851, before the Highway Act came into operation.

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3776. Were there tolls in Northumberland before? — Yes, on the turnpike-roads there were.

3777. The turnpike tolls have been replaced, have they not, by the highway rate to a certain extent?—In cases where the Turnpike Acts have expired they have, of course; there are a few of those, but very few.

3778. Therefore a portion of the increased rate is compensated for by the abolition of tolls, and cannot be looked upon as increased taxation?—I do not look at it in that light; now that the tolls are abolished it all comes upon the ratepayers of the district; very likely those who paid the tolls before were not those people at all; they were people who, perhaps, paid no rates in the district, or very slight.

3779. But, as far as the farmers paid tolls they have been relieved of the tolls while they have to pay the highway rate?—Yes, but not to a commensurate extent at all.

3780. The additions partly come, do they not, from the abolition of the tolls?—A little of it, of course, but there have been very few turnpikes abolished in Northumberland. In those cases that I have mentioned toll gates still exist, and the additions come from very much increased contributions from township rates towards the turnpike trusts.

3781. To a certain extent there has been value received for the increased taxation in the form of better roads, has there not?—I cannot say that.

3782. Have the highway boards spent money without any good?—They have not, if the improvements which they contemplate, in putting the roads in better shape, ultimately come into operation, but I cannot say that we have better roads; our roads are about as bad as they can be, I think.

3783. Mr. *St. Aubyn.*] You have spoken of the probable position of *ex officio* members of the board after an alteration in the law, supposing the rate to be divided equally between the owner and the occupier; and as a consequence, the representation to be equally divided, so that the board would consist of members elected by the owners and by the occupiers, do you contemplate that there would be any *ex officio* members of the board at all?—No, not then, certainly not.

Captain Frederick L. Dashwood, called in; and Examined:

Captain *F. L. Dashwood.*

3784. *Chairman.*] You are a tenant farmer, are you not, in the county of Oxfordshire?—Yes, and have been for 15 years.

3785. How many acres do you farm?—About 1,100.

3786. Have you also had other experience in the management of estates?—Yes, I have.

3787. In England only?—Yes, in England only.

3788. Are you acquainted with the rating system in Ireland and Scotland, as well as the rating system in England?—I got the subject up a year ago for a paper which I read at the London Farmers' Club in April 1869, on "The System of Local Rating in England, Scotland and Ireland."

3789. But you have no practical experience in Scotland and Ireland?—Not any.

3790. Have you turned your attention to the subject of local taxation in England?—I have.

3791. Have you served as a poor law guardian?—Yes; I began as a poor law guardian.

3792. I think you are also a magistrate?—I am.

3793. Have you considered the question of the division of rate between owner and occupier?—Yes; and I am very strongly in favour of it.

3794. Will you state to the Committee the main considerations which lead you to that conclusion?—The owners of property now pay no part of the rates, and consequently they take very little interest in the question; and as to the small occupiers, without this system of half rating, it is, I believe, impossible to have a machinery which will enlist their co-operation to diminish pauperism, and to take interest in the question of primary education, in which I, as a tenant farmer, much wish to enlist the co-operation of the class, agricultural labourer.

3795. You say that they pay no part of the rates, but when leases expire, or when new arrangements are made, have they not to content themselves with a lower rent, in consequence of the higher rates?—Yes; I meant no direct payment.

3796. They pay rates indirectly, that is to say, the fluctuations in the rate only affect them upon the renewal of leases, or at the expiration of tenancies?—That is all.

3797. Whereas you would consider it desirable that they should be interested, like the occupiers, in the fluctuations of the rates?—Certainly.

3798. You think it desirable that when rates are rising, they should feel that rise at the time, and not as at present, at the conclusion of the tenancy?—Yes, at the time, so that they should co-operate with their tenants.

3799. At present, so far as your experience goes, do you find that the owners take much interest in the rates?—Very little, indeed.

3800. Is it not a grievance with the owners of property that the rates upon their property are so high as they are?—They grumble.

3801. Do you find more grumbling amongst the occupiers or amongst the owners?—Among the occupiers.

3802. Do not the rates ultimately come out of the pockets of the owners at the expiration of leases and tenancies?—In a certain proportion they do.

3803. Do you consider that it would be any relief to the occupier if a portion of the rate were put upon the owner?—It would be a relief so far, that the whole thing would be better managed, and each would see that he is mutually interested.

3804. Are you in favour of the division chiefly from the point of view of the management of the rates, or from the point of view of the pocket of the occupier?—The management of the rates. I am looking to the good of the country. The present system does not enlist the co-operation of owner and occupier.

3805. Would they be more extravagantly or more economically managed?—More economically.

3806. And more judiciously, do you think?—Yes, more judiciously; certainly; the same as we now see with respect to the county rate.

3807. Do you consider that the county rate generally is better managed by the justices of the

the peace in their committees than the poor rate is managed by boards of guardians;—I think the management of the county rate is very good indeed; but it is rather an absurdity that that, over which they, the justices, have control, only constitutes one-fifth of the whole of the rates.

3808. Why is that absurd?—I think people who live in the country, or stay in country houses, often hear it said, "We must go to the quarter sessions;" it strikes one as absurd that you hear all this fuss made about going to look after this one-fifth, while, with regard to the other four-fifths, these justices know little about them, and, in fact, legislation has left these duties to the occupiers.

3809. Do you think that the *ex officio* members take, comparatively, less interest in the administration of the poor rate, because they are in such a minority that they cannot carry their own points?—Not that; but they do not pay it; they have nothing to do with it.

3810. But they pay the poor rates, do they not, as much as they pay the county rate?—Yes; but the county rate is referred to them to administer by the law.

3811. You mean that they have to administer the whole of the county rate; but they have only a portion of the administration of the poor-rate?—Only a portion of the administration of the poor rate.

3812. Do you think that, because they have only that portion they do not take the same trouble in the administration of that portion as they do where they have the exclusive management?—Yes.

3813. They pay both rates, therefore I do not understand why you believe that they take less interest in the management of the poor rate than in the management of the county rate?—In one case it is left entirely to them, but, in the other case, they are only *ex officio* members of the board.

3814. Do you think that they would take more interest if they had a different position at the boards of guardians; if they were selected by the owners, for instance?—I think they would.

3815. Are you aware that in Scotland the owners have a considerably greater share in the administration of the rates?—Yes, I know they have.

3816. Have you any knowledge upon the subject as to whether, having the administration, they take more interest in the matter, and whether they really pay attention to it?—I have learnt the system works better than with us.

3817. Does your view extend to the division betwen owner and occupier of all rates, or would you select any special rates for that division?—Of all the rates, so as to get the co-operation of the owners.

3818. Would you be in favour of putting the whole of the county rate, for instance, upon the owner?—I should not; for if I was an owner, I should like to have the assistance of my occupier.

3819. Do you think that the union of owners and occupiers in the administration is desirable in the case of all the rates?—Of all the rates, certainly.

3820. Supposing that division were not made, would you prefer that the county rate should continue to be paid by the occupier, or placed entirely upon the owner?—I should prefer half and half.

3821. Of the two alternatives, that it should be paid exclusively by the occupier, as at present, or exclusively by the owner, which would you consider the fairer?—Exclusively by the owner; but I think the owner would be the loser by losing the co-operation of his occupier.

3822. What assistance would the occupier be to the owner in the administration of the county rate?—I suppose that the quarter sessions would be elected upon a different plan than at present.

3823. You state that it is desirable that the owner should have the co-operation of the occupier in the administration of county rate; what precise advantage do you consider the owner would derive from the association with him of the occupier in the county rate?—He would get the support of his occupier. In many cases, he is on the spot, and he can give evidence, and bring his local knowledge to bear.

3824. From your experience, is there any feeling in Oxfordshire, for instance, of which you have local knowledge, as regards the exclusion of the occupiers from the county administration?—They are not at all satisfied with the county rate system.

3825. As far as you are aware, however, there is no grievance existing upon the ground that the rates are not well administered?—No; the only objection is to the way in which the county rate is administered by other parties than those who contribute to it.

3826. Sir *Massey Lopes.*] Do I rightly understand you to say that there is a great deal of dissatisfaction amongst occupiers generally at present with regard to the increased and increasing amount of local rates?—Yes, there is.

3827. Are you of opinion that the owners now really pay those rates?—I think that property pays a great proportion, in the long run.

3828. Do you consider that there would be any pecuniary advantage to the occupier if that division was made, or do you think that it would simply be for the object of co-operation and good feeling?—There would be a pecuniary profit, I think, because the whole thing would be better managed.

3829. But there would be no pecuniary advantage to the occupier?—Yes, there would; but that is not my important point. I say that the present system works very badly.

3830. You think that the owner would have greater interest in all improvements?—He certainly would. Owners take very little interest now.

3831. Do not you think the fact of having a separate collection for the poor rate, and for the highway rate, and so on, is bad; and would not it be an improvement if there were only one paid collector for the whole of the rates?—Our rates are all collected together. On my farm I pay four rates a year, and they are all lumped together quarterly.

3832. But who collects them; is it not the overseer?—Yes; the parish overseer.

3833. Do not you think it would be desirable if the collector was a paid officer, instead of performing the duties gratuitously?—We in our parish pay him for doing it.

3834. But that is not quite legal, is it?—I believe not.

3835. How do you pass that payment through the audit of the board of guardians?—I cannot tell you; it does not come under that head, certainly.

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3836. Do not you think it desirable to have a paid officer, a properly qualified man, whose employment would go on from year to year, should be appointed, instead of changing your overseer so frequently?—I think it would be better, but I cannot speak from my own experience.

3837. If the proposition were carried out of dividing the rates between the two parties, would it not be necessary to make some alteration in existing agreements as between owner and occupier?—If it was made law to-morrow, I, as an agent, should recommend my employer, with regard to all his annual tenancies, to make the alteration as soon as convenient.

3838. Would there not be a fear of making fresh valuations; for instance, in large estates they go on from year to year, and there is very little change in the rents as a general rule; but if an alteration of this kind was proposed, would there not be a fear of the landlords saying, "Well, here is an opportunity; we will have our estates re-valued"?—Yes; I think there might be that fear. I, as an agent, should not recommend an owner to take advantage of it, although some people might do so.

3839. Supposing those estates were to be re-valued, do not you think that the landlords would take care to make themselves safe by an increase of rent, in order to meet any increase in the rates during the tenancy?—It might be so; but it would soon find its level, whether the farm was worth too much or too little.

3840. Quite so, if you put it out to tender; but in large estates that is not very frequently done?—Even then there is a kind of feeling that it is not advisable to upset safe people.

3841. Still the fear would be that the landlord, in re-letting the estate, would naturally say, "I must make myself safe with regard to any increase of rates during the tenancy." Take the education rate, for instance, which we are likely to hear of, do not you think he would add something for that, with the prospect that it might be made law during his tenancy?—I think he might; but there would be very few cases of it, I think this will be determined by the question of rent.

3842. Mr. *Pell.*] When you say that you think there would be an advantage from the owner paying half the local taxation, or all the local taxation, upon whom do you believe the local taxation ultimately falls; who bears ultimately the burden of the rates, the owners or the occupiers?—Theoretically, the owners.

3843. It would be so ultimately, would it not, that the owners would bear it?—That is a very difficult thing to define exactly.

3844. At all events, the owner would bear a very large proportion of the rates?—He would do so certainly.

3845. But you say that under the present rrangements he takes really very little interest in the increased taxation?—Very little indeed; for it is not brought to his notice in his rent roll.

3846. But the occupier does take a considerable interest in the rates?—He does, but he feels at the same time that he has got the upper class against him as well as the lower in the administration.

3847. Apart from that he really feels the increased taxation in the first instance?—He does; and is made to oppose many improvements, such as the Union Rating and Highway Acts, as he foresees the change will increase his rates.

3848. Do you believe that a careful stimulus to administration of those rates would be given to the owner by the fact of his having to put his hand into his pocket?—I think it would.

3849. At present he is only of the contemplative class?—Yes, that is all.

3850. And if you could bring him into the immediately contributing one, then you would start his mental energies, and something beyond that possibly, as he would co-operate with the class who are at present complaining sorely against the increase of local taxation?—Yes, that is what I meant.

3851. And do you think also that you would introduce in the shape of the owning class, those who own real property, and who are from education and position more likely to administer the rates better?—Yes, they certainly would. The great difficulty of the occupier as a common guardian, is that he now feels that he has got all the highest and the lowest classes against him.

3852. Do you mean actually against him?—No, not at the board, but the feeling of the country is against him.

3853. Do you think there would be a better attendance at all boards of management, whether they were highway boards or boards of guardians, if the owner had actually to pay a portion of the tax out of his own pocket?—Certainly.

3854. Mr. *Wheelhouse.*] You said just now that your rates are collected together; you mean, I presume, that the parish overseer or officer takes the whole of the rates at one time?—Yes.

3855. Does he come every quarter?—Yes, every quarter.

3856. Do you think that a collection made quarterly or a collection made annually is the better?—I would rather have it quarterly than annually.

3857. You told us also that you pay your parish overseer, therefore he is your parish official to that extent?—Yes.

3858. Would it not be very much better, in your opinion, to pay an assistant overseer, who should be a permanent officer, and therefore, perhaps, a considerably more intelligent man, or else he would not have been chosen?—I think probably it may; I cannot speak from my own experience in that respect.

3859. And in all probability that would lead to a more economical administration of the rates?—Yes, I think so.

3860. Mr. *Birley.*] In speaking of the division of rates between the owner and the occupier, and their better administration, am I right in understanding you to mean that the management of the rates would be much more intelligent if it were superintended by the owners of property in conjunction with the occupiers, than if it were superintended by owners alone or by occupiers alone?—Certainly.

3861. And that whether it were more economical in one sense or not, that is to say whether the expenditure, larger or smaller, it would be more beneficial?—Yes, it would be more beneficial.

3862. Mr. *St. Aubyn.*] Supposing the rate to be divided equally between owner and occupier, you would then provide, would you not, for the fair representation of both at the various boards?—If the honourable Member means as regards owners and occupiers being represented, I have not

not gone into that detail, but I suppose we have got the guide of Scotland and Ireland. I do not know how it is done there exactly; both classes certainly ought to be represented, but without *ex officios.* The *ex officio* system ought to be done away with, in my idea.

3863. Of course where there were an equal number of owners available, there would be no difficulty; but in the case of a union where the greater part of the land was in the possession of one owner, there would be a difficulty in having the board composed of an equal number of representative owners and occupiers; have you considered how you could meet that?—I think that the owner would see that he was represented; he would manage it some way or other.

3864. But if it came to a division at the board, how would you equalise the voting power?—I think that must be left to the owners to arrange somehow out of doors, as it were; but I have not considered that question.

3865. Mr. *Corrance.*] You have spoken of the feeling of the country as being against guardians; do you mean personally on account of their personal conduct upon the board?—No, I do not mean in that way.

3866. Do you mean as simple administrators of a certain system of relief?—Exactly so, and as the owner does not pay, he does not co-operate.

3867. You think that the feeling of the country is against the present system of Poor Law relief, as administered by the guardians?—No, not against the Poor Law system.

3868. What is the feeling of the country directed against?—Against the system of representation at the board.

3869. When you say that both high and low, rich and poor, are against the system, do you think that the owners are against the administration by the present guardians?—As a common guardian, I have felt that they were not against me personally; but they did not understand the question, and therefore I have not had their support.

3870. Then you do not think that the owners recognise the value of the services of the guardians to them as saving them the payment of surplus rates, that is to say, they do not fully recognise the immense value of the services rendered to them as absolute ratepayers, or ultimately ratepayers, by the supervision that is exercised through the guardians at the boards?—I can hardly answer that question.

3871. You do not think that the owners value the services of the board as saving their own pockets?—They do not.

3872. You are acquainted with the present system of collection; would there be any difficulty in collecting two rates at the same time under different heads by the same person?—That detail can be given on a piece of paper.

3873. It would form a subject for two slips of paper, would it not?—Only one.

3874. The same as is done in other parishes, and in London?—Yes, it is all put on one piece of paper.

3875. There would be no further expense if you collected two rates at the same time instead of one;—No, I do not see any objection to it.

3876. One collector could collect two rates at the same time, could he not?—He could do so; but there would be more expense in printing two bits of paper than one.

3877. That is very trifling, is it not?—I do not see any object in it.

3878. Supposing those rates were not levied in exactly the same way, or upon the same persons, but there was a division between those two rates, would there be any increased difficulty then?—There would.

3879. For instance, if the county rate were put upon owner and occupier, and the poor rate upon the occupier only, do you think that the collection would be more expensive?—I think it would. I should like to see all the rates collected in the first instance through the occupier, the same as is now done with the income tax.

3880. Sir *Massey Lopes.*] Do you not think that instead of collecting the rates as you have been asked, once a year, or four times a year, it would be far better only to have two collections in the year, half yearly collections?—I think half yearly would be better.

3881. Is it not your opinion, that if the occupiers had not had the management the rates would have been higher than they are even now, and therefore there would have been a greater grievance than there is expressed at present?—I think that if the rates had been halved, and the owners had to a certain extent an acquaintance with the matter, the rates at this moment would have been a great deal lower.

3882. *Chairman.*] What is the ground of economy which you contemplate?—The introduction of a more lasting interest, and of a higher intelligence, with more time devoted to it.

3883. In what points is the expenditure now excessive; is there any waste through maladministration?—There is in the Poor Law department, as regards the immense quantity of out-door relief given.

3884. Mr. *Walter.*] Is not that out-door relief given chiefly in the shape of medical relief?—No, not in my part of England; our great grievance is in the out-door relief, which is the bane of our labouring population.

3885. Mr. *Smith.*] Is it your opinion that a great deal of the relief of the poor would be more economically administered parochially than by unions?—I am all in favour of union rating.

3886. Mr. *Pell.*] With regard to out-door relief as administered now by the occupiers chiefly, do you think that there is a tendency to administer the poor law in the direction of relief in aid of wages, and is that tendency growing?—Not directly, but indirectly; a great deal of out-door relief must lower wages, and a year ago only, I heard the vice-chairman of a board of guardians say that he would rather have high rates than high wages.

Dr. W. Neilson Hancock, called in; and Examined.

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3887. *Chairman.*] You are the head of the Statistical Department in Ireland, are you not?—Only for some purposes; for judicial and criminal statistics, and also for the last three or four years I have been collecting the statistics of local taxation in Ireland.

3888. Do you publish annually Local Taxation Returns in Ireland, somewhat analogous to the Local Taxation Returns in England?—They were first published for the year 1865, and then for 1866, 1867, and 1868 in one volume. I was too much engaged to bring out the Report for the first year they were collected, 1865, until 1868; but they are now brought up to 1868, and I am collecting them for 1869 under the authority of the Government; they will not be out till the end of the Session.

3889. Did the preparation of those returns lead you to examine all the rates that are levied in Ireland?—Yes. My instructions were to prepare returns that would compare with the returns of the English local taxation statistics, and also to go into the whole question of local taxation in Ireland, to see if there were any taxes not included in the English returns; and it is as complete as I could make it.

3890. Are you acquainted with the mode in which they are levied?—Yes.

3891. Will you, in the first instance, enumerate the various rates that are levied in Ireland?—I will first enumerate them in large classes. The best order to take them in is by the amounts, as that gives the best conception of the importance of them. The largest local tax in Ireland is what is called the grand jury cess, which is for the year 1868, in round numbers, 1,122,000 *l.* The next largest is poor-rates, and burial rates levied along with the poor-rates, and that is 921,000 *l.* The rates for town purposes were 483,000 *l.*; the tolls and dues at harbours and piers, 207,000 *l.* Then the drainage rates and tolls on inland navigation amounted to 58,000 *l.* The next is the dog license duty, which is a local tax in Ireland, applied for local purposes, amounting to 24,800 *l.* The fines and penalties that are applied locally in Ireland and centrally in England, are 27,000 *l.* The Mercantile Marine Fund is 24,000 *l.*

3892. Why do you put that down amongst the local taxation; is it applied locally?—Yes; there is a local corporation for managing the largest part of it, and it is locally applied.

3893. What is it levied upon; is it fees or what?—The light dues for Irish lighthouses, and fees under the Merchant Shipping Act; the light dues are 20,000 *l.*, and the balance of 4,000 *l.* are fees under the Merchant Shipping Act.

3894. Why were they included in the Irish Local Taxation Returns?—Because I find them included in the English returns.

3895. Does that exhaust the heads?—No; there is another very peculiar tax, and that is, fees on the sale of forfeited pledges of pawnbrokers in Dublin, and that amounts to 6,700 *l.*; that is a tax which was imposed by the Irish Parliament, and it is only imposed in Dublin.

3896. Could you explain a little more fully to the Committee what that is?—There are certain officers that must be employed for selling forfeited pledges; they are appointed by the corporation and the Crown, and they hold sinecure offices and appoint deputies to do the duty; the whole sum amounts to 6,700 *l.* a year, and that has been recommended to be abolished; but the officers are not abolished yet.

3897. What total does that give?—That gives 2,876,000 *l.*, but 61,000 *l.* is to be deducted for grand jury cess, dog tax, and fines that are included in town, navigation, and drainage returns, giving a net total of estimated local taxation of Ireland in 1868 of 2,804,000 *l.* There is a sum of 63,000 *l.* also to be deducted for a Parliamentary grant, for certain items paid out of cess rates, making the net taxation 2,741,000 *l.* The first total takes in the grand jury cess, 1,122,000 *l.*

3898. Will you state, in the first instance, by whom is that levied?—That is levied territorially; there are two distinct divisions. There are certain cities in Ireland that have got the grand jury powers transferred to their town councils, and those are Dublin, Belfast, Limerick, and Cork; and in those cases the tax is levied by the town council, but in all other respects under the old law as to grand juries; in all the rest of Ireland it is levied primarily by the sessions. The applications for presentments of expenditure first come before the sessions; and then, after they are passed by the sessions, they go before the grand jury at the assizes; and then, if they are approved of by the judge in point of law, they are passed. So that they go through, first, the baronial sessions, then the grand jury, and finally they go before the judge of assize, not for discretion, but merely to allow any person of the public to object to it, if the thing is wrong in point of law.

3899. Does the judge also confirm the cess in the case of town councils?—In the case of Dublin they go partly before a judge of the Court of Queen's Bench, and partly before the recorder. In Cork they go before the recorder, in Limerick before the judge of assize, and in Belfast before the judge of assize. I may mention that that is a very important machinery in our Irish administration of this large tax, and it has worked admirably; it secures the fiat of expenditure, as distinct from the audit; and that is, that no portion of this large tax, upwards of a million, nearly half of our taxation, can be spent by those local bodies if any member of the public can allege a legal objection to its expenditure. Then, on the other hand, if he does not avail himself of the public opportunity of objecting to the expenditure at the right time, and no one objects to it, the judge fiats it; and then the town council or grand jury who administer it are relieved from any responsibility of being afterwards held to be accountable for having made a mistake in law. So that it works extremely well. It secures, in the first instance, that no money is spent without proper authority; and in the next, it protects the administrators from vexatious proceedings afterwards; and there is an application by some town authorities in Ireland to have that fiat extended to all their local taxation that is not under the Poor Law Commissioners. What is under the Poor Law Commissioners has really a fiat, because if the guardians do anything with the approval of the Commissioners, that amounts to a very substantial protection to them; but some town authorities are anxious to have this system of fiat extended to all their proceedings; and it is under the consideration of the Government

Government at this moment whether it should not be extended to them.

3900. Will you state the purposes to which the county cess is applied?—The purposes to which it is applied are: new roads and bridges, repairs of roads and bridges, court-houses and gaols, county infirmaries, lunatic asylums, and diocesan schools. I may mention that the last-mentioned tax will come to an end under the operation of the Church Act; but it is a curious thing, as a matter of history, now that local taxation is prepared for England, to find a local educational rate that has existed in Ireland since the reign of Queen Elizabeth. Then there are county officers' salaries, police, the cost of valuation, compensation for malicious injuries, and inland navigation.

3901. Have you at all examined as to whether there are any purposes to which the county cess is applied in Ireland to which the county rate is not applied in England; has your attention been called to any discrepancies between the two?—No, I have not examined it critically. The Committee might like to know the proportions of those different figures. The largest item of all is the repairs of roads and bridges, 551,000 *l.*

3902. In round numbers, about half?—Yes; I may mention that the reason of that is that we have abolished all our turnpikes.

3903. Can you state how much of the total was for each of those two items?—No, I have not gone into that.

3904. What is the next item?—£. 65,000 for new roads and bridges; you will find at page 35 of the Irish Local Taxation Returns for 1868, the sum given for the construction of roads and repairs is 617,000 *l.*, and I am giving the particulars of that. The next is the administration of justice, the figures for which are 116,000 *l.*; and if you wish to know the particulars of that, the prison and bridewell expenses are 81,000 *l.*; the erection and repairs of court-houses and session-houses, and the erection of prisons, 14,000 *l.* Police and witnesses, 20,000 *l.* Then there are miscellaneous expenses, the largest item in which is salaries of county officers, 108,000 *l.*, and the lunatic asylums and county infirmaries come to 107,000 *l.* The item for police is very small in Ireland, because part of the compensation given to the Irish proprietors for free trade, was relieving them from their contribution to the police, and the consequence is that they only pay for extra police. The police (except the extra police) are paid in all places except Dublin and Belfast by imperial grants; and if there are any extra police, they are paid by the county cess; and that accounts for the smallness of the item.

3905. Will you state the mode in which the county cess is levied?—The county cess in Ireland is paid by the occupier of lands and houses, and railways and canal tolls are liable to it. It is not divided between landlord and tenant, but is paid entirely by the occupier, and it is collected to the lowest fraction, except in certain towns; but in the country it is put down at the smallest figure by the occupier; it is collected by the barony constables who are appointed by the grand jury, and, except in Dublin and Belfast, it is entirely separated in its collection from the poor rate.

3906. Does the county cess, from its mode of collection, and from the other circumstances connected with it, give rise to much dissatisfaction amongst the small occupiers?—There is a very strong feeling that it should be divided in the same way as the poor rate, and a Committee of the House of Commons have recommended that division to take place.

3907. I suppose that the fact that the poor rate is divided between the landlord and tenant has given rather a stimulus to occupiers who alone pay the county cess, to think that the fairer way would be to divide it between the two?—That is their feeling; but what I think is a much stronger feeling is, that in the administration of the poor rate the taxpayers are represented, and in the county cess they are not represented.

3908. What is the relation of the road sessions to the baronial sessions for the purposes of county cess?—They are different names for the same sessions; they are really baronial sessions, but they are called road sessions, because, as you see, the principal expenditure is on the roads.

3909. Can you state how the ratepayers are represented?—They are not really represented at all in any true system of representation. The grand jury at the assizes select, out of 100 of the highest cesspayers in the barony, a certain number of names that they choose from, and those names are chosen what are called associated cesspayers; they are cesspayers, as a matter of fact, but they are not selected by the cesspayers, they are nominated by the grand jury, and they must select them out of the first 100 highest on the list. When they come to the sessions, those who are to form part of the court are selected by ballot, and the result of that is that there is no one certain of forming part of the court, and very often they do not attend, because a man does not like to go the whole way to be at the sessions when it is a perfect lottery whether he is to be part of the court or not.

3910. How many cesspayers go?—There are no statistics of the numbers made up, it cannot exceed 12 at each sessions.

3911. Is it a large number?—No; but then the magistrates, as *ex-officio* members, form part of the court, and they may attend from the whole county whether they are interested in property in the barony or not, and they may outvote the cesspayers.

3912. Are the Committee to understand that the names of the first highest cesspayers are taken up to 100?—Yes, and out of those the grand jury select.

3913. Then those selected by the grand jury do not all attend; a certain number are taken from them by ballot?—The ballot is held by the chairman of the court. When the court sits he ballots for names for the number that are to sit, and the result is that no one, when he goes to the court, is certain that he will form part of the court.

3914. How do you mean that they go to the court?—A certain number of cesspayers go, but they are not certain to form part of the court; nobody goes except they are named, but of those named they are not certain who will be called upon to form part of the court.

3915. There are three processes; in the first instance they get a list of 100 cesspayers who pay the most rates, and then, from those 100, a certain number are nominated by the grand jury?—Yes.

3916. And of that certain number so nominated only a portion sit, who are selected by ballot?—Yes; only half the number nominated can sit, and

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and that half must be some number fixed by the grand jury between 5 and 12.

3917. The whole of those that are nominated are not required to attend?—No; the rest of the board consists in the number of magistrates that may attend, and the result is that the magistrates of the whole county, though not interested in property in the barony, may attend and outvote the cesspayers. Therefore, the only thing that the cesspayer does is to secure publicity; everything must be explained and done in public, but as to securing any real voting it does not do so.

3918. But such as it is the cesspayers have that representation in Ireland, whereas they have none at all in England?—So far; but then along with that there was started in 1836, two years after the Poor Law was passed, the system of giving the ratepayers perfect representation at the board of guardians. I believe the Poor Law has worked most satisfactorily, and the desire is to have that system which has worked satisfactorily extended to other local arrangements.

3919. Are the Poor Law guardians elected much upon the same principle as in England, or how are they elected?—Ireland is divided into 163 unions, and it is sub-divided into electoral divisions; and the effect of that sub-division is to give about 21 electoral divisions to each board, and then there are about 24 guardians elected; large districts have two or three members, and that gives about 24 elected guardians to each elected board.

3920. Is an electoral division equivalent to our parish?—It is equivalent to a very large parish, or two or three small parishes. Along with them the magistrates may sit as *ex-officio* members, provided they do not exceed the number elected. In fact, they form all over Ireland about the proportion of 21 to 24, so that in most of the boards they are exactly equal to the elected. I should mention that besides the *ex-officio* representation, property is very largely represented in the elected part of the board, because, first of all, all owners of property vote as well as occupiers; the occupier votes and the owner votes besides in respect of the same tenement; the occupier on his valuation, and the owner on his rent. Then they have multiple votes, from one to six votes, according to the valuation; for 200 *l.* and upwards they have six votes, and there is a scale below that to persons with one vote. Wherever property is much subdivided, as in the city of Dublin, for instance, where there are a great number of landlords, that system gives the owners of property an overwhelming preponderance at the board; so that, between getting half the board as *ex-officio* members and the property votes, it gives property a preponderance, wherever property is much divided; but it does not work unequally where property is not much divided.

3921. May the Committee understand this, that supposing a man has got six houses he might have 36 votes?—No.

3922. He can never have more than six?—No; not in the same electoral division or ward in a town.

3923. The maximum that a man can have, even if he has several tenements, would be six votes?—Yes; he might have six votes in every electoral division in the union, if his property extended to it; but in one electoral division, he has only six votes.

3924. Supposing that a man occupies his own house, does he have a vote both as owner and occupier?—No, because he gets no rent from himself; he votes as an occupier.

3925. Then that particular tenement has less voting power, so to speak, than the others?—No, because the Act provides that in that case he should have double the number of votes as occupier.

3926. Then the sub-division of property has this effect, that if there are a certain number of owners owning a certain number of houses, the addition of six votes to each owner would give a larger number of owners' votes, than if one owner held them all?—If one owner has property worth 10,000 *l.* a year, he only has six votes if it is all in one electoral division; but if there are a number of proprietors of 500 *l.* a year each, they have each six votes.

3927. I presume that in the towns property is more sub-divided than in the country?—A great deal more sub-divided.

3928. As a matter of fact, do the owners, as far as you are aware, exercise their voting powers in the towns?—Most carefully; the effect of the division of rate is all that people anticipate from it in England; and that has led me to a very strong feeling in favour of division. The division of the rate between the parties has led to the most economical management of the Poor Law, that is to say, parties feel the deepest interest in the expenditure, there are no people that feel more interest in it than the owners of property.

3929. They do not neglect their votes, feeling that they are swamped by the occupiers; but as a matter of fact, they do exercise their privilege of voting, wherever there is any chance of influencing the election?—They do; of course, if they see that taking trouble about it would not turn the voting, they do not do it; but the division of rating has the effect of making them watch the expenditure, and attend most zealously to the management of the Poor Law.

3930. Is the poor rate in Ireland devoted to any other purposes except poor relief?—The total Poor Law expenditure in the year 1868, exclusive of balances, was 847,000 *l.*; and for direct poor relief, it was 707,000 *l.*; we have a complete system of dispensaries and medical officers all over Ireland, much more than is the case in England; and the expense under the Medical Charities Act, in the year 1868, came to 121,000 *l.*; the burial board expenses came to 2,000 *l.*; the board of guardians are burial boards in all cases except within towns under town authorities. Then there was 12,000 *l.* for the registration of births, deaths, and marriages; and under the Sanitary Acts, the expenditure was 3,000 *l.* The guardians are the sewer and nuisance authority in every place outside town government, and the sum they spent was 4,000 *l.*; the guardians are the diseases prevention authorities in all Ireland. In 1867 we had an attack of cholera, and they spent 15,000 *l.* in that one year; but the ordinary expenditure for diseases prevention, is only about 200 *l.* The cattle plague expenditure was all met out of the poor rate; and the tax for that in the year 1866 came to 13,000 *l.* Then, with regard to the classification of the poor rates, the 707,000 *l.* is divided in this way; in-maintenance 436,000 *l.*; out-door relief 44,000 *l.*; salaries and rations of officers 108,000 *l.*; and all other expenses 110,000 *l.*

3931. Are all those items which you enumerated before, and which you have now given us the

ıe detail, collected and administered by the ıe boards of guardians?—Yes.

3932. They do not pay out those sums to others ho administer them, but, as I understand, they dminister them themselves?—All of them, exept the cattle plague expenses, they administer ıemselves.

3933. Have you got that system in Ireland hich we have in England, that a certain number f other rates are paid out of the poor rate?—o; our most ancient rate was the grand jury ess, and the practice has been hitherto to put verything on the grand jury cess; there is no ther source from which an expense is to be de-ayed; it is made payable from the grand jury ess.

3934. In Ireland the grand jury cess stood in ıe same relation that the poor rate did in Eng-ınd?—Yes; a very large part of the grand ıry cess is what is called imperative present-ıents; that is to say, the Lord Lieutenant of reland, or other prescribed authority, certifies hat is to be paid, and the grand jury have no iscretion; they must pay the money.

3935-6. The boards of guardians are the autho-ity for the Diseases Prevention Acts, are they ot?—Yes; we are under the Sanitary Act of 866, which was extended to Ireland. Whenever ne Lord Lieutenant declares it necessary to have hat are called the diseases prevention powers f that Act put in force, the boards of guardians ll over Ireland have authority to carry it out; ut it is a temporary measure; it is only put in orce for a time.

3937. It is like an Order in Council?—Yes; is similar to an Order in Council in England.

3938. As regards the rates for town purposes; ill you state by whom they are levied?—The own authorities in Ireland are all similar to the own authorities in England. We have in large owns town councils, and in small towns we have own commissioners.

3939. The town commissioners being equiva-ent to our local commissioners and improvement oards?—Yes; they are similar to them. Then ve have lighting and cleansing commissioners, imilar to those that were under the old private Acts in England, with limited powers. They ıre under the old Act of 1829, and they have ıot adopted the new law yet. Then there are ome commissioners in townships under special Acts, which are like the suburban commissioners n England. I may also say that there are some peculiar rates in the city of Dublin.

3940. Generally speaking, are those town councils and commissioners appointed pretty much in the same way as in England?—Exactly; hey were all copied from the English law a good many years ago, and we are working under the aw of England of about the year 1854. We have ıot as yet got the benefit of the Local Govern-ment Act of 1858 or of 1861, but there has been ın application pending before the Government ıow to bring our town government up to the evel of the English town government.

3941. What rates do those various bodies levy; irst of all, do town councillors levy a borough ate?—Yes. Take the town council of Dublin; hey levy what is called an improvement rate, ıot a borough rate. Then, besides that, they evy a sewer rate; they levy grand jury cess in he city of Dublin; and they levy a domestic vater rate, and a public water rate.

3942. Those are, in fact, the town purposes; rates in boroughs governed by town councils?—Yes; the reason I mention Dublin is, that we have carried out the consolidation of the collection of rates, which has worked very satisfactorily there. Another rate in Dublin is the police tax. Our police are formed upon the model of the London Metropolitan Police, and we have the same scale of taxation as they have; that is to say, 8 *d.* in the pound, a fixed tax; but that is considered not so good an arrangement as the more modern arrangement of dividing the proportion between the general and local taxes, because the effect of that is that no one in Dublin has any interest except in increasing the number of the police, because he pays his 8 *d.*, and the more police he has the better he is protected. With regard to the police, the English and Scotch towns have been formed upon a more recent basis, the plan being to divide the rate, the central government paying a fixed proportion, and that gives both parties an interest in keeping down the number. There are two other peculiar taxes in Dublin; and those are the carriage duty, 5,200 *l.*, which is somewhat similar to the carriage duty in London; and then there is pawnbrokers' licenses, 5,900 *l.*

3943. Those two taxes are in addition to the list which you gave us before?—Yes, and besides those there are publicans' certificates, 600 *l.*

3944. The improvement rate of Dublin amounts to 2 *s.* in the pound, does it not?—Yes; it is limited by statute to that.

3945. They have power to spend 2 *s.* in improvements?—Yes, not more.

3946. Do they spend that 2 *s.*?—Yes.

3947. They spend up to the maximum?—Yes.

3948. With regard to the poor rate in the South Dublin Union, what is that?—In that particular year it amounted to 2 *s.*; it may be anything.

3949. The grand jury cess was how much?—1 *s.* 8 *d.*, the police tax was 8 *d.*, the sewer rate was 4 *d.*, the domestic water rate 1 *s.*, and the public water rate 3 *d.*

3950. What does that give as the total in the pound?—7 *s.* 11 *d.* in the pound.

3951. And without the water rate how much?—Without the water rate it gives 6 *s.* 8 *d.*

3952. Is there much complaint of that taxation; is it considered very high?—It is considered high; but on the other hand the valuation is on a different plan from the valuation in England.

3953. So that practically it does not represent the same amount; you only change your valuation once in 14 years, I believe?—But there is a different point in that. In the original Poor Law Act there was a different rule laid down for valuing in Ireland to that in England; for instance, in England you only deduct from the net annual value the tenant's taxes, but in Ireland the landlord pays half the poor rate, and his whole taxation is deducted.

3954. As regards Dublin, the grand jury cess is paid by the occupier, and the poor rate is paid half by the owner and half by the occupier; but you collect the whole from the occupier?—Above 8 *l.* you do; under 8 *l.* in Dublin the landlord is liable for the whole of the poor rate.

3955. In the rest of the country it is under 4 *l.* that the landlord pays the whole?—Yes.

3956. For the county cess he is not liable, I believe?—No.

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3957. Is this the case in Dublin, that the collector goes to the landlord for the poor rate, and to the occupier for the county cess?—No, I think not in Dublin, because that is regulated by a special Act.

3958. In what do they differ?—I could not state that; there was a special Act passed for Dublin with regard to that.

3959. I see by the demand note that they are all collected and paid together?—I cannot quite explain that.

3960. As to the town commissioners in the smaller towns, are the rates which they levy analogous to those in Dublin, excepting the grand jury cess?—No; where there are town commissioners the right of levy is simply for town purposes; they have no powers beyond that. There is a special peculiarity about that, which should be mentioned; and that is, that it is not levied on a uniform valuation.

3961. Is the public improvement rate in Dublin levied on a uniform valuation?—It is; but in the smaller towns there is this exception, that arable land, meadow, park ground, market gardens, nursery ground, canals, and railways, are only charged on one-fourth of their value. Then the peculiarity of lighting and cleansing towns is that they have an exceptional scale of rating; that is to say, houses under 5*l.* are exempted altogether, and the proprietor is not liable. It is an old exemption, which obtains in 17 towns under lighting and cleansing commissioners.

3962. Do the town commissioners levy any rate except the improvement rate?—No.

3963. Do they levy water rate?—That is part of their power; they may levy a special water rate; but they do not generally do it.

3964. Do they levy a police rate?—No; the police is paid out of the county cess.

3965. Is Dublin the only town which pays the police rate?—Dublin and Belfast also are under special police arrangements.

3966. Do the town commissioners pay the sewerage out of the improvement rate, or do they levy a special sewer rate?—They pay it out of the improvement rate.

3967. As I understand, while in Dublin there are those various rates which you have enumerated, in the towns under town commissioners they have only a single rate besides the water rate?—They have; but then they pay the county cess as part of the county, and they pay the poor rate.

3968. But the commissioners have nothing to do with that at all?—No.

3969. Is there any system of compounding?—I believe not in practice.

3970. As regards the Lighting and Cleansing Commissioners, what rates do they levy?—They levy a rate for lighting, cleansing, and watching.

3971. On whom is that levied?—That is levied on the occupier; but all occupiers under 5*l.* are entirely exempt, and not only are the occupiers exempt, but the premises are exempt, which is different from other cases. Then from 5*l.* to 10*l.* the rate does not exceed 6*d.*; from 10*l.* to 20*l.* a year, not exceeding 9*d.*; and from 20*l.* upwards, 1*s.*; that is the only case where they have any scale of taxation, and are not on a uniform value for the same kind of property.

3972. Are we to understand this, that in the towns under lighting and cleansing commissioners, the whole of the houses under 5*l.* pay nothing; but above that there is a scale, and houses up to certain figures pay less then those above them?—Yes.

3973. Does the same difference in the assessment hold good as regards the one-fourth which is paid by arable land?—No, it does not hold good in such a case; that is only in towns under town commissioners.

3974. Are there any other peculiarities connected with the Lighting and Cleansing Commissioners that you have to mention to the Committee?—No.

3975. The next are commissioners under special Acts; is there anything worth mentioning to the Committee with regard to them?—No, there is only one special case, and that is the county of the town of Carrickfergus. They are under municipal commissioners that were intended to be a temporary body when the corporation was abolished, until the new commissioners should be elected; but the inhabitants have refused to elect new commissioners, and they are still continuing to exercise their powers; but they want to get that remedied by having the provisions of the Local Government Act of 1858 extended to Ireland; that is to say, that the commissioners, by a majority may adopt the powers of the Town Improvement Act, whereas in Ireland, you must get the vote of the inhabitants, so that that has prevented the Act being adopted in that town.

3976. By whom are the drainage rates administered?—The drainage rates are administered by boards of districts elected by parties interested in the drainage. I might mention that in consequence of the very small amount of the maintenance rates, it would be very much better managed if it were handed over to some other local board to manage; it is not a large enough matter, except in a very large district, to make it a sufficient business for a board, and it is not well managed.

3977. What is the rate in the pound of local taxes in Ireland?—The rate in the pound, of all those local taxes which I have mentioned, is 4*s.* 3¼*d.* in the pound, and the rate in England is 4*s.* in the pound.

3978. It must be borne in mind, must it not, that valuations in Ireland are considerably under the mark?—Yes.

3979. Because you do not revalue every year?—No; and more than that, the valuation is not under the same words.

3980. Therefore the comparison of the rate in the pound is not a fair comparison?—No.

3981. Do you consider that the division of the rate between owner and occupier has worked well in Ireland as regards the poor rate?—Yes, certainly; and the universal feeling in Ireland is that the same system should be extended to all local purposes.

3982. Is that feeling universal amongst owners as well as the rest of the public?—I believe they do not object to it; a Select Committee of the House of Commons adopted it last Session.

3983. Would you say that Ireland generally adopts, as a universal opinion, the decision of a Select Committee of the House of Commons?—I mention that to show that it was not merely a popular demand outside, but that a Committee of the House were unanimous about it.

3984. Is there any feeling on the part of owners in Ireland against it?—I believe not. I might mention with regard to that division, that there

there is one point which occurred to me, viz., that is, of course it is only proposed to apply to new lettings; but there is a very simple way of applying it to all lettings without the slightest injustice, and that is by taking the average of the tax for three, five, or seven years back, whichever was thought to be right, and in all past contracts to add that to the rent, and divide the liability for the future.

3985. The contract being that the tenant should bear the burthen of any fluctuations, would the landlord consider it to be fair that, having been covered by that contract against any future increase during the currency of the lease, he might nevertheless have to pay the excess for the future?—On the other hand, that policy will not come into work for many years. If it is a matter of policy to have both parties really interested in the thing, the policy will not come into work for many years.

3986. Sir *Massey Lopes.*] You stated just now that in your opinion the owners would not at all object to this division of rates; have you any authority for stating that; are you not speaking more of the mind of the occupiers than of that of the owners?—I take the Select Committee of the House of Commons as my guide.

3987. But have you any authority for making the statement you have done, that the owners in Ireland would not object to this division of rates?—I have no authority beyond this, that it has been very much discussed, and there has been no strong objection, that I am aware of, made to it; I never heard any strong objection made to it; of course they would object to its applying to past contracts, but provided it only applied to future contracts, they would not object.

3988. I thought taxation in Ireland had very much increased of late years, and I think you stated that you had no figures previous to the year 1865?—The statistics have not been collected on a uniform plan before 1865.

3989. We will take the years 1867 and 1868; has there been any very considerable increase in the amount of local taxation as between those two last years in your return?—About 200,000 *l.*

3990. So that in one year the increase of local taxation in Ireland has exceeded 200,000 *l.*?—Yes.

3991. You mentioned just now that the poundage valuation of rates in Ireland is 4 *s.* 5 *d.*, while in England it is only 4 *s.*; can you account for that in this way, that in England we have a revaluation of all lands once in three years, but in Ireland you have only a revaluation once in 14 years?—Not even so often as that; and besides, the principle of valuation is different. In Ireland they are bound to take in the prices of produce, and in England they take the net value.

3992. So that, in Ireland, if an occupier expended 1,000 *l.* on his holding, he would have nothing beyond to pay in rates till his tenement or his land is valued 14 years to come, whereas in England, if he expends 1,000 *l.* upon his holding he has to pay increased rates upon it after the third year at the furthest?—That only applies to land.

3993. In the case of buildings on land, how is it?—In the case of buildings in towns they are revised or may be revised every year.

3994. *Chairman.*] If a man puts farm buildings up on his farm to the value of 1,000 *l.*, are they valued the next year?—No; not for seven years. Buildings in general are liable to be valued, but farm buildings cannot be valued for seven years after being erected.

3995. But, practically, are they?—I do not know the extent to which that revaluation is carried out in the country; it is carried out now very sharply in towns.

3996. They are legally liable to be revalued?—Yes.

3997. Sir *Massey Lopes.*] What is your local taxation per head in Ireland?—The local taxation in Ireland is only 9 *s.* 2 *d.* per head.

3998. What is it in England?—£. 1 – *s.* 3 *d.* per head.

3999. Then it is more than double in England to what it is in Ireland?—Yes.

4000. I think I understood you to say that the police in Ireland are paid from the Imperial Exchequer?—Yes.

4001. I think you told us that when free trade was established in this country, the payment for the police in Ireland was considered a compensation for any loss accruing from free trade to that country?—It was so given out by Sir Robert Peel in 1846. Formerly we paid one-half, and that half was given up as a charge.

4002. Then Ireland got some compensation for free trade, while England got none?—Yes, to some extent. I will give the figures, to show the proportion. The cost of the Royal Irish constabulary was 810,000 *l.*, and of that Her Majesty's Treasury are charged with 781,000 *l.*

4003. Then half 781,000 *l.* per annum or 390,000 *l.* is the compensation which Ireland got for adopting free trade?—Yes; the Dublin metropolis police cost 93,000 *l.*; of that the Treasury paid 51,000 *l.*, and from all other local sources, 41,000 *l.*

4004. What is the total amount which the Imperial Legislature pays for the police in Ireland?—They pay 832,000 *l.*

4005. That is the sum total which they pay?—Yes.

4006. And that is the compensation which Ireland got for the adoption of free trade?—No, only half of it. In England and Wales the cost of the police is 1,920,000 *l.*, and of that the general taxpayers pay 457,000 *l.*, and from local sources 1,463,000 *l.* is paid.

4007. I think you said that the charges for infirmaries and lunatic asylums are paid by the occupiers?—Yes, entirely by the occupiers.

4008. And they amount to 107,000 *l.*?—Yes.

4009. Was not it proposed last year that those being national purposes should be paid from another fund?—It was proposed that those being charitable purposes and paid out of a tax that falls principally on the poor, it would be a good application of the surplus Irish Church funds.

4010. Mr. *Seely.*] You stated that you thought that the Poor Law in Ireland worked extremely well; will you state what you meant by the term "Well"?—I mean that the collection and audit, and administration of the money, is extremely well done. I did not speak in the least as to relief. I looked at it merely as a mode of collecting and administering taxation; not in the least as to the Poor Law question.

4011. You do not mean economically when you speak of its working well?—Yes, I do. I do not consider it as any question of policy as to outdoor relief or indoor relief, but as a simple official management of 800,000 *l.* to 900,000 *l.* of public

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taxation. I believe it is well and prudently and economically managed, and carefully watched. It shows that a representative board, in managing the fund that is charged equally between landlord and tenant, is successful as an administrative board, and that that same principle could be advantageously applied to other local taxes.

4012. Mr. *Birley.*] I understood you to say that you believed that the owners were quite willing to accept the principle of half the rate being paid in future arrangements by the owner, and half by the occupier?—What I meant to convey was, that I have heard no strong opposition to it.

4013. Has it occurred to you that the owners would have any collateral benefit by such an arrangement, because persons do not usually desire to pay money unless at least they get some collateral benefit?—They would really get it in increased rent; it would be merely a mode of collecting money.

4014. Do you think that the amount would be added to the rent?—Yes, it would; it would not vary; the burthen of it is merely a mode of administration.

4015. Mr. *Corrance.*] I find that, deducting the highway rate from the county cess, it amounts to only 561,000*l.*, and the poor rate stands at 921,000*l.* This proportion, of course, is very different from what exists in England, namely, that the poor rate stands at 1*s.* 4*d.* in the pound, while the whole of the county rate, including nearly the same items, is only 2*d.* or 3*d.* in the pound; perhaps you can give us some explanation of that remarkable fact?—That is from the extraordinary amount of outdoor relief that you give in England. In 1867, out of 931,000 persons receiving relief in England, 137,000 received indoor relief, and 794,000 received outdoor relief. This would give, for a portion of the population of England and Wales equal to that of Ireland, 238,850, with 35,208 indoor, and 203,650 out; but the average daily number relieved in Ireland in 1868–9 was 70,619, in all 53,757 in workhouses, and 16,862 outdoor, so the workhouse relief in Ireland was 18,000 above the corresponding proportion of the population in England in 1867; and the outdoor relief was 186,000 below it.

4016. You attribute it entirely to that fact?—I believe so, to the more liberal outdoor relief in England.

Tuesday, 3rd May 1870.

MEMBERS PRESENT:

Mr. Acland.	Sir Massey Lopes.
Mr. Birley.	Mr. Pell.
Colonel Brise.	Mr. Rathbone.
Mr. Corrance.	Mr. St. Aubyn.
Mr. Goschen.	Mr. Charles Seely.
Mr. George Gregory.	Sir William Tite.
Mr. Hunt.	Mr. Wheelhouse.
Sir James Lawrence.	Sir Hedworth Williamson.

THE RIGHT HONOURABLE GEORGE JOACHIM GOSCHEN, IN THE CHAIR.

Sir JOHN THWAITES, Knight, Examined.

Sir *J. Thwaites.*

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4017. *Chairman.*] YOU have given considerable attention, have you not, in your position as Chairman of the Metropolitan Board of Works, to the subject of local rating?—Yes, as affecting the metropolis.

4018. I think the question of rating the owner for a portion of the rates has suggested itself to your mind?—Yes.

4019. If I remember rightly, in some of the reports of the Metropolitan Board of Works, or in some evidence that you have given, you stated that opinion?—Yes; I gave evidence before a Committee in 1866 and 1867 on that question, and the Committee reported to the House in favour of the principle of charging the owner with a portion of the municipal burthen.

4020. Whom did the Committee mean by the owner; was that point considered at all by the Committee, whether the receiver of the rack-rent, or the ground landlord?—Probably my answer on that occasion I might repeat now, as it will really answer the question which you have raised: "I therefore suggest that the Board should have power to levy, I will not call it a property rate, but a rate on property; and that all proprietors, whatever interest they may enjoy in any property, should pay in proportion to the interest which they have; and that it shall not be lawful for them to object, or to cast that burden on the occupier; and that the principle to be adopted should follow the practice in respect of the property tax, where it is not lawful for the landlord to compel the tenant to pay; you would then take the property at this rate, namely, at its full net annual value, and you would travel down, catching every interest, whether it was to a mortgagee, or a person who has a beneficial lease, until you come to the ground landlord, each party paying in proportion to the property or interest which he might have in the building."

4021. In fact, you would settle the question as to who is the owner in the same way as it is settled with the income tax, you would tax every one who has a beneficial interest?—Yes; if, for example, a house built on ground paying a ground-rent of 20 *l.* a year is let to A., the lessee, and he builds on that ground, and lets it for 150 *l.* a year; B., the ground landlord, would pay on the 20 *l.*, and A., the lessee, would pay on the 150 *l.*, and any further beneficial interest that might be created.

4022. Have you considered that that plan should be adopted for any particular rate that you had in view?—I was giving evidence in favour of another form of taxation for the metropolis for metropolitan purposes; it had nothing whatever to do with the parochial rating, but for municipal purposes.

4023. Was it your view that it was to be a new rate; not in substitution of existing rates?—I proposed that one moiety should be cast upon the owner, and the other upon the occupier.

4024. That is to say, one moiety of the rates levied by the Metropolitan Board of Works?—Yes, the improvement rates.

4025. Did you consider at that time whether you would put that improvement rate upon existing ground rents?—Yes, I proposed that it should be universal in its application.

4026. Did you consider the point as to how far such an enactment would have contravened contracts which stated that all rates and taxes should be paid by the tenants?—Yes; I proposed that it should be partly a new liability on the owner. Having regard to the enormous improvements that have been carried out, and must shortly be carried out in the metropolis, and the amount of taxation that must necessarily follow, it appeared to me to be a just principle to call upon the owners to bear a portion of the municipal burden; first, because they so greatly benefit by the metropolitan expenditure that although leases might still be running, and have to run for 20 or 30 years, the value of the reversion to the owner was considerable, and the property greatly improved, and it appeared to me perfectly just that the owner should bear a portion of the burden.

4027. Those were your reasons for making the Act as it were retrospective; will you state generally what your views are as regards the fairness and the expediency of taxing the owner?—For the reasons that I have given, that the owner greatly benefits by the expenditure, and every reletting improves the beneficial interest that the owner has in obtaining a larger rental. For example, you cannot improve the sanitary

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condition of any town, improve its roads, and embellish that town, without increasing the value of property proportionately, and it is a hard case to cast the whole burthen upon the occupier, which seems to be the tendency of recent legislation, and also the tendency of private agreements between landlord and tenant.

4028. But would your remark as regards the taxation of the owner, be confined generally to rates which would cover the expenditure made for the purpose of improvement?—It was to that point that my attention was particularly called, and on that point I gave evidence.

4029. Your evidence so far goes to the point of that which is spent in the improvement of the metropolis; not money spent in the discharge of burdens such as the poor rate, and others?—It is quite clear that in the one case the property of the owner is greatly improved in value by the expenditure for metropolitan improvements, but in the other case in the expenditure for the relief of the poor, property is not improved.

4030. Therefore those two classes of rates stand upon a different footing?—Quite so.

4031. Would you maintain that nearly all the improvements made in the metropolis, although desirable in themselves, actually improve the property to that extent that it would command a higher rent?—I was speaking generally; of course there are exceptions as to locality, but generally speaking the improvement of a town by widening its roads, and forming new ones, and improving its sanitary condition, must greatly improve the value of property.

4032. We will take as an illustration the case of the Thames Embankment; what would be your views as to the taxation, say of the owners or the occupiers in Bethnal Green?—We must take a comprehensive view of the metropolis; if you break up the metropolis into sections, and ask me abstract questions, whether section A. will benefit equally with section B., there may be some difference of opinion; but we must deal with the metropolis as a whole, as one large town covered by an immense number of houses, and a population of 3,000,000 of people, and that what generally will improve the health of that vast population, and facilitate the traffic in the public streets, and promote the extension of commerce, must be a great benefit to the town as a whole.

4033. Would you consider it a fair argument to say that it is the occupiers, who, during their occupation, mainly enjoy the advantages secured by those improvements, and that it is they who ought to pay?—Not exclusively, certainly.

4034. They do clearly enjoy a certain share of advantages during the pendency of their lease?—Yes, to the extent of one-half, according to the evidence which I have given.

4035. So that you rest your view upon the double assumption that the occupiers gain the advantage during their temporary occupancies, and the owners gain a permanent advantage by the improvement of the town in which their property is situate?—Yes.

4036. Do you think if a clause were to be introduced into an Act prohibiting the landlords from contracting with their tenants that the tenants should pay the rates, such a clause would remain a dead letter?—No, I do not.

4037. On what do you ground that view?—I think that the question of rates, although in some cases it may be a consideration in the re-letting, as a rule is not a consideration with the landlord, nor is it a special consideration with the tenant. I believe that those renewals take place, disregarding, in a great measure, the increase or decrease of the taxation. Of course where you have a man who very carefully looks at the matter, he says, "I must have a larger rent if an additional burden is cast upon me;" but I do not think that those exceptions will destroy the rule which prevails, from my observation that landlords are not guided by the question of rating, nor are tenants guided absolutely by the question of rating. It is rather a tax upon their profit than considered as a part of the rental.

4038. Whose profit?—The profit of the occupier. I can give an instance in my own case. I rented a house of 280 *l.* a-year, covenanting to pay in the ordinary way the sewers rate and the land tax. I did not make inquiry as to what the amount of the land tax was at the time, but I found shortly afterwards that the land tax was 2 *s.* 10½ *d.* in the pound, therefore I had to pay a very large amount for land tax; it was no part of the rental, nor any part of the consideration, but it was actually out of my own property that I paid it.

4039. That 2 *s.* 10½ *d.* in the pound made almost a difference of 15 per cent. more?—Yes; there are a variety of questions that determine the rental. If it should be business premises, of course there are many considerations. The actual value of the house may be a small matter as compared with other elements, that a commercial man would have regard to.

4040. Do your remarks with regard to the rates being omitted from consideration in taking a house, apply chiefly to residential property in the west end, or to business property, or to property in the east end?—My remarks apply in a general way; I do not think that any of the large proprietors, for example, to whom my attention was directed in the consideration of the metropolitan taxation, and a more equitable basis on which the metropolitan fund might be raised, are in the habit of dealing with the mere question of whether the rates have been increased a penny in the pound, or decreased a penny in the pound; but it is simply a question of the improvement, and if the general improvement of the metropolis has increased the value, then the value of property in the metropolis has naturally risen at the period of re-letting; but I do not think, as it has been alleged, that the question of rates affects very much either the tenant or the landlord in entering into a second agreement.

4041. Can you state to the Committee quite roughly the average rate in the pound of all the rates in the metropolis; would it be 4 *s.* in the pound?—I am unable to say it off-hand; my observations apply to the metropolitan improvements which, as you are aware, constitute a very small portion of the taxation of the metropolis.

4042. But your observations, so far as they proceed upon general grounds, would apply, would they not, to all rates; that is to say, in your evidence you have not assumed that persons taking houses would omit from consideration the improvement rate, but that they would consider the other rates; your remarks apply generally to all taxation, I presume?—For example, if there is a heavy poor rate upon a particular district, and that district is notorious for its high taxation, you would have a diminished rent as a consequence;

quence; but that is not a direct hardship upon the owner, because those things are not brought about in 10 years, but are the result of ages in many cases; where you have parish A. highly rated, and parish B. lightly rated, the owner in parish B. purchases on the principle of a higher rent, by reason of the condition of the rating in that particular parish, and the owner in parish A. purchases on the condition that the rate is excessive; therefore it averages itself in time.

4043. Do you assent to the view that it is fair to take the whole of the rates falling upon a house as paid by the occupier of that house?—I think, as a general answer, I believe that that is mainly so; the occupier does pay the rates.

4044. And the whole rate?—Yes; and I think those rates are paid not in the shape of rent, or a reduction of rent, but in most cases they are paid out of the capital of the tenant, or that which ought to be the accruing capital.

4045. Take this case to test your answer; supposing there to be a house let from week to week, on which there is a rate in the pound of 5 *s.*, and that rate then to be swept away, and the house to be relieved of that rate, would the owner raise the rent or not?—If the tenant were relieved from that charge, probably some shrewd owner would suppose that he had a right to raise the rent and would adopt that course, but there are many owners who would never enter into the question at all of the increase or decrease of rating.

4046. But in a highly rated parish, if by any legislation, or otherwise, the rates were lowered, would not that tend to increase the rents; would there not be more margin for profit for the owner?—Probably that would be so. Take for instance, Lowndes-square, to which reference has been made; all the houses on one side of the square are in Chelsea, and on the other in St. George, Hanover-square; the one is highly rated, and the other is very moderately rated, as we know. The variation of the rental on the one side and the other is marked undoubtedly, and due to that fact in a great measure.

4047. We will take the east end of London; supposing that a man is paying 5 *s.* a week for his rooms in the east end, and his landlord is paying the rates for him, if the landlord were relieved of those rates, would the tenant get any advantage?—That would depend on competition; it would balance itself in time; perhaps there would be no immediate relief, but if it were general, of course it could not get relieved, unless the whole district were relieved, and then competition would enter into play, and relieve the tenant from the conduct of the landlord.

4048. Do you dissent from the view that ultimately, as the phrase has generally been, the rates come from the pocket of the owner?—Yes, certainly I dissent from that.

4049. And do you think, therefore, that the arguments which have been built upon that view, namely, that it is unfair to readjust the taxation in various districts, as you would only relieve one at the expense of the other, are fallacious?—I think so. I am speaking generally; there are, of course, exceptions; some landlords are so wide awake to their own interest that they will take advantage of every penny, but I am speaking generally.

4050. Could the landlords, in your view, universally take advantage of it if they chose?—They are doing so now, and that is one of the grievances that I suggest this remedy for, namely, that they are seeking practically to cast the burden upon the occupier by covenants. Let us take any one of the large proprietors in this metropolis, the Duke of Bedford or the Marquis of Westminster, or any of the large proprietors. Supposing leases were granted for 50 years, 20 of which are expired, would anyone suppose that those lessees at the time when those leases were granted in which they convenanted to pay the sewers rate, for example, could have contemplated the expenditure, or the special charge which has been cast upon that rate of 3 *d.* in the pound for main drainage purposes. It is quite clear that it never entered into the consideration of A. and B. contracting 20 years prior to that imposition by Parliament, and this, therefore, is cast upon the occupier, and he has to pay it notwithstanding the agreement into which he has entered.

4051. Do you believe that if an Act of Parliament were to prevent the landlord from covenanting with his tenant, that the tenant should pay the rates, and that the owner should be compelled to retain the liability for a portion, he would exact a higher rent in consequence?—In some cases no doubt that would be the result, but I believe in the majority of cases in this metropolis that consequence would not follow; and I also believe that, if the plan which I suggested in my evidence, to which I have referred, and which I now repeat, were adopted, looking upon the increased taxation of the metropolis, and especially for metropolitan improvements, the owners of property would be prepared, in some degree, to accept it as an additional charge, as a special contribution from property towards those improvements, which ultimately increase the value of their own property.

4052. Some witnesses before this Committee have taken the view that practically, in the long run, the owners pay the rates now, and that therefore it would not be placing any additional taxation upon them if they had to pay one-half of it directly instead of indirectly; you recommend that a portion should be paid by the owners, but with the idea that the burden would be shifted from the occupier to the owner, and justly shifted?—Yes, certainly.

4053. It would not be a mere change of form, but a change of fact?—Yes; a change in substance, and I should propose it as such.

4054. Supposing that a tenant has been paying 5 *s.* rent for his rooms, and he is paying 1 *s.* rates, if that 1 *s.* were taken off, would he continue to pay only 5 *s.*, or would the landlord not raise his rent?—In all those cases you refer now to compound property, where it is let weekly, the landlord paying all the rates and taxes.

4055. Take a yearly tenancy, not under composition, but where the tenant pays the rates, and the rates are heavy; if he, at the end of the year, is relieved of the rate, or of the heavier portion of it, would not the landlord necessarily raise his rent?—Some landlords of the character I have described would, but I think, as a rule, they would not.

4056. Would the owners fairly argue, "We have let houses to them at a low rent because the rates have been high, and now that the rates have become low we must put them back to where they would be if they were in an average district"?—Yes; that I can understand; but if a reduction in the taxation takes place in a particular district, it must apply universally,

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universally, and immediately that general reduction takes place, of course you will have a balancing by the law of supply and demand.

4057. Then, as far as there are differences between one portion of the metropolis and the other, the owners might, to a certain extent, readjust the rents if those differences were swept away; but looking upon the metropolis as a whole, do you believe that, if the burdens on house property were reduced, the tenant would gain a large proportion of the advantage?—Yes, I believe he would.

4058. And that not by the increase of building, but by the action of the landlords themselves; the landlords would not take advantage of it to raise the rents universally?—There would be an uncertain action by the landlords; some would undoubtedly take advantage of it, and others might not, and, I believe, would not.

4059. But would not competition prevent some landlords taking advantage of it if others did not?—It would; as I said before, competition of course would get rid of the evil of an attempt, on the part of individual landlords, to impose unfair terms.

4060. Would you consider it to be unfair that, if the rates upon property were lessened or abolished, the landlord should share in the advantage?—You must assume that the original letting was subject to this taxation; I do not assume that.

4061. You assume that, as the occupiers have had to bear the increased burdens in consequence of the legislation, if those increased burdens were reduced, they ought in justice to have the benefit, and that it ought not to go to the advantage of the owner?—Yes; what I mean is that the contract between landlord and tenant is not dealt with in the form that the Chancellor of the Exchequer would deal with it; there are certain rates to be paid, and you agree to pay the rates, and to pay such-and-such a rent; I do not think that the particulars of the rate, whether it is high or low, are really a substantial element, or so substantial as to alter the actual terms of the rent as between A. and B.

4062. Mr. *Hunt.*] At the beginning of your evidence you stated that the owner, whatever his beneficial interest was, ought to be charged *pro ratâ* for a part, at all events, of the rates?—Yes, in proportion to his interest.

4063. In the case of property leased at a ground rent, do you think that the owner of the ground rent ought to pay his share?—Certainly.

4064. Have you considered the question of the present owner of ground rent being a life tenant?—No; I have not had regard to that fact.

4065. Take this imaginary case: say that a man leaves by will property which is worth 1,000*l.* a year upon the aggregate, and that property is let out on ground rents, and that the ground rents are worth, capitalised, 300*l.*, and the reversion is worth 700*l.*; supposing that a rate is made for the purpose of improvement, the owner of the ground rent would get no benefit would he, supposing him to be a different person from the owner of the fee in reversion?—He would get the benefit during his life.

4066. I am supposing that the property is let, and that he is merely the owner of the ground rent; what benefit would the owner of the ground rent, not being the reversioner, get from the improvement rate?—No doubt, in the case which you now put, it is quite clear that, if his interest were determined by agreement, and at the end of that term his own interest passed, he would have no benefit.

4067. I am putting the case of a person who has left property by will, and has left a life interest in ground rents to A., and the reversion to B., and I want to know what benefit does A. get, who is the life tenant of the ground rent, from any improvement effected out of the rates?—He gets no pecuniary benefit; the only benefit that he realises is, in common with the inhabitants of the district, in the improvement of the town.

4068. I am taking the case of a man who does not reside upon the property, who is merely the owner of the ground rent, a person residing at a distance, who is merely the recipient of an annual sum for his life; what benefit does he get by the improvement of the property?—None at all.

4069. Then any improvement goes to the reversioner?—Clearly so.

4070. That being the case, where would be the equity of charging the owner of the ground rent, who is a life tenant, with part of the rate, the whole of the improvement at the end going to the reversioner?—There would appear to be an injustice in that case. Those would be exceptions, and exceptions occur in all taxation, imperial and parochial, you must have cases where hardship undoubtedly would follow the adoption of a particular principle.

4071. Might not the hardship be so great as to reduce the man's income very considerably indeed?—If those cases were multiplied, and became a large class, then it might be a question whether Parliament should not specially relieve them.

4072. It is a fact, is it not, that what you want to get at is the person who is ultimately benefited?—Yes, clearly so.

4073. You think that it is unfair that the occupier should pay the whole rate for that which is a permanent improvement to the property?—Yes.

4074. Is not the person who ultimately ought to be charged, the person whose property is ultimately improved?—No doubt. Take, for example, the reverse proposition to that which you have put; A. is the lessee, he has to pay a very large sum for the improvement of the metropolis, the reversion will be in the hands of his landlord, his term of seven years expires, and he has been paying clearly for a reversion, in which he has no interest.

4075. The only way in which you could equitably apportion that charge, would be by making the reversioner pay when his benefit occurred, would it not?—That might be adopted.

4076. Might it not be done in this way, by borrowing a sum upon the security of the reversion, and then on the falling in of the ground lease, making the reversioner pay such an annual sum as would pay for the rate and interest for the money borrowed?—I see no difficulty in compounding for that.

4077. Do you think that that arrangement could practically be carried out?—I think it might, to relieve the special case to which you refer.

4078. In that case there would be no injustice done to anybody, would there?—No, I do not see how then you could do any injustice to anybody; I am only anxious to catch those who now escape taxation, and whose property is improved.

4079. But without an arrangement of that kind, or something equivalent, your proposition would

would bear very hardly, would it not, upon the life tenant of ground rents?—In that case it would, clearly.

4080. Mr. *Rathbone.*] If I understand you, the disadvantage and injustice which you conceive to arise from the present system is, that it enables the large landowners in towns practically to withdraw their property from the local taxation by which they are really benefited?—Yes.

4081. With respect to another point, you spoke of competition as regulating the rise and fall of rent to a certain extent, provided that a considerable portion of the increased rates fell upon the occupier; would not the rent fluctuate in proportion to the rise and fall of the rates only in places where there was no building going on, and therefore no fresh competition; in other places would not the fall of rates which would enable a lower sum of rates and rents together to yield a fair remuneration to the invester, be a positive relief to the occupier?—No doubt, if all competition was stopped; that is to say, supposing the population were increasing in any particular town, and the capacity of housing were diminished by reason of the increase of the population, then landlords would say, "As the demand increases so shall we increase our rent;" but they would not increase the rent because the taxes were reduced, nor would they diminish the rent because the taxes were increased; they would be governed by the broad commercial principle of supply and demand.

4082. Of course in most large towns now that is not the case; houses are increasing, and therefore what I want to get at is the price which the occupier has to pay for his rent and rates together, and is not that regulated by the cost which it would take to build a new house?—Competition is regulated by the building of new houses undoubtedly.

4083. And the price at which a man can build a new house will, to a certain extent, depend, will it not, upon the rates which are to be paid?—The question of demand is not quite a question of rates. I do not concur in that general statement, that a builder before he commences building will determine that question on the ground of high or low rating; it is rather a question of demand. If there is a general demand for houses, commercial or private dwellings, in any particular locality, that question will determine the builder in commencing and carrying out certain structural works.

4084. But will not he calculate his net return from those houses?—I do not think that, as a rule, builders would consider that an influencing element in determining them to build other houses, but rather they take the larger question of a general demand for house property. That is my impression.

4085. Do you think that they would not go into minute calculations of what returns they would get for their money?—A wise builder would hardly go into a parish and commence building a number of houses where the rates were 10 *s.* in the pound; but that is an extreme case; I am now speaking generally.

4086. Colonel *Brise.*] When you stated that, as the occupier has had to bear the increased burdens, any relief in the rating should go to the occupier, were you speaking then of annual tenants or of occupiers on lease?—Of all tenants.

4087. In the case of annual tenants, do not you think that the landlord, without being considered a very hard landlord, could very fairly look upon that relief as properly coming to him?—Some landlords would take advantage of it, and probably not unfairly, and would say, "I have that additional burden cast upon me, and I must have such-and-such a rent;" but competition would regulate that question. It is not in the power of the landlord to determine the particular rent, he must take that which is the fair average of the district.

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4088. I think you said that shifting one-half the burden on the owner would not be a relief only obtained in form, but also obtained in substance; would it be attained in substance with a hard landlord as well as with an easy going landlord?—I do think it would be a change in substance. My desire is that there should be an additional tax; but I am now speaking of the metropolis; I do not profess to be able to give evidence upon other parts of the country, but having regard to the important costly improvements that must be carried out in the metropolis, it does appear to me to be right and just that the owner of property, who has the great benefit, should bear a proportion of that burden; therefore, I am rather disposed to associate with the suggestion of an additional tax upon the occupier, a share of it on the owner; a tax upon property, if you please.

4089. You were speaking of leases for 50 years in the metropolis in some particular instances, 30 years of which are unexpired, and you think that the occupier could not foresee what the rates would be at the present time; do not you think that when the occupier took that lease, he calculated, in all probability, that there would either be an increase or a diminution of the rates?—I believe that in 16 cases out of 20 the thought never enters the brain of a tenant when he is entering into those covenants. I merely instance this special taxation imposed by Parliament, which could not have been foreseen by any tenant entering into a covenant with his landlord at the time I have stated.

4090. In the case of your own house, I think you said that you paid 280 *l.* a year for rent, but did I understand you rightly that there has been an increase in the sewer rate and land tax of 2 *s.* 10½ *d.* in the pound?—I entered into a covenant to pay all rates and taxes, parochial and Parliamentary, including sewers rate and land tax; probably from a want of intelligent industry on my part; I ought to have made inquiry, but I did not, but I accepted those terms, as they are accepted in thousands of cases, without consideration at all, and I found, after I had accepted and entered into those covenants, that the land tax, instead of being a halfpenny or a farthing, as it is in Marylebone, happened to be 2 *s.* 10½ *d.* in the pound. Therefore it was a great burthen upon me, which formed no element in the arrangement with my landlord.

4091. That was your own fault, was it not, for not having made ample inquiry?—It only shows, of course, that people do not go into minute calculations about the probable increase of rates, but they enter into an engagement, and take the liability.

4092. *Chairman.*] Did not you feel that it was rather hard upon you that your attention had not been called to the fact?—My feelings would have been better described then than now.

4093. You said that the tendency of recent legislation and the tendency of agreements be-

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tween landlord and tenant, are to cast the burden on the occupier; will you explain what you mean by the tendency of agreements between landlord and tenant to cast the burdens upon the occupier?—I mean this. Take the sewers rate, for example, which, in law, is a landlord's tax; it has become the rule now, in all leases and agreements to call upon the tenant to pay the sewers rate, and thus the landlord dislodges that which the Act of Henry the 8th and Elizabeth imposed upon the property and not upon the occupier simply. It may be said, it is quite true that the landlord is dislodging this particular charge and casting it on the tenant, but he proportionately reduces the rent. I entirely disagree with that proposition as a general one, because I have found that with property of like capacity and value in a particular street, certainly, tenants have covenanted, where they are tenants of a landlord who looks after his own interest very specially, to pay the sewers rate; but there are tenants taking the same class of house precisely, who did not covenant to pay those rates, and therefore, in my judgment, it is not an answer to that question to say that the landlord has proportionately reduced his rent, because he has cast this particular burden upon the tenant; he has, upon the face of it, but it is not so in practice.

4094. Sir *James Lawrence.*] I think I gathered from you, that the landlords do not reduce their rents as a rule, if the rates in a particular district become higher?—No, I think not; there are a rather hard class of landlords who would not look at that element.

4095. On the other hand, they do not raise the rents merely because the rates may have fallen from their original high amount?—My general answer was this, that I do not think that landlords take into consideration either a rise or a fall of rates, not even when they enter into fresh arrangements for the purpose of covenanting between the tenant and the landlord.

4096. Did I rightly understand you, that if by any fresh regulation the rates at present paid by the occupier were divided equally between the owner and the occupier, as a rule the occupier would gain an advantage by such a re-arrangement?—Yes, he would be relieved from that moiety of the burden, and I think that would, for many years, be an accepted charge on property, and they would not seek to cast it, and ought not to have the power to cast it, on their tenants.

4097. Mr. *Seely.*] In the case of existing contracts, which bind the occupier to pay all the rates, you would only think it just, I suppose, to interfere with those contracts in the case of any new rate not contemplated at the time the contract was made?—I am speaking now of taxation for metropolitan improvements, and I am eliminating that question from all others in the metropolis; the relief of the poor, the paving, the lighting, and the cleansing, and all questions of that kind. I simply tie up my proposition to the justice of the owners contributing a portion towards those improvements, by which improvements their property is greatly increased in value; and therefore I desire that it may be looked upon as a fresh and distinct charge cast upon property by Parliament, and therefore I would include all leases that would not affect covenants between A. and B.

4098. And you would not think it just to interfere with a contract binding the tenant to pay the rates, or would you think it just to interfere in the case of a rate which was in existence at the time the contract was made?—When you speak of a rate, it is a question of degree; the rate in form was in existence, but the rate in amount was not; I might answer that question by a reference to the income tax; it is not lawful for the landlord to cast that burden on his tenant, as you are aware. You might say, "Do not you consider it an injustice that Parliament should impose that, where the tenant has undertaken to pay all Parliamentary and parochial taxation?" I say, certainly not; it is a fresh imposition cast upon the owner of property for weighty and sufficient reason by Parliament, and therfore he must accept his liability.

4099. *Chairman.*] Would there not be occasionally considerable difficulty where leases were made within the last two years with the full knowledge of the present aggregate of taxation?—I do not know who is to prophesy what will be the condition of taxation in the metropolis, but the governing body has to do its duty, and carry out those improvements, which are absolutely required, and I do not think, as I said before, that even with respect to leases within two years the contracting parties have directed their attention very much to the question of rates in determining contracts between them.

4100. Mr. *Gregory.*] You contemplate, do you not, a deduction from the mortgagee on account of rates on property?—My suggestion is, that we should follow strictly the practice of the income tax, that all parties having an interest should pay in proportion to that interest.

4101. That is on the principle, I suppose, of all persons interested in property contributing to the payment of those rates?—Yes.

4102. Would you take the net rental as a test of rating?—That is subject to conditions; there are repairs and a variety of outgoings, which must be deducted before you arrive at the net annual value.

4103. I assume that the net annual value is the value subject to those deductions; you would take that, would you, as a test of rating?—Yes, clearly.

4104. But there is an interest in the property, is there not, far beyond that net rental?—I do not know what interest you are alluding to.

4105. Take a large trading establishment, a large banking house; when that property is sold there is a goodwill attached to it, is there not?—No doubt.

4106. Or if compensation is claimed, there is a large claim for goodwill attached to that property?—Yes.

4107. But that is the value of the property beyond the rental of the property, is it not?—We are now speaking of structural property which is let at its net annual value, and rateable on the basis of the poor's rate. Whether that basis is the proper basis is another question, but all my observations apply to that basis.

4108. I am taking you on your own principle, of all interest in property contributing to the rating?—Yes, but it is an interest in the house, the structural building, and not in the goodwill of the business.

4109. Would not that fall within your principle of all interest paying?—No, unless it altered the basis of taxation altogether; and my principle is this, that every man having an interest in a house shall bear the burthen, or a portion of the burthen, for municipal purposes, according to the interest

interest that he may have in the question, whether as ground landlord, or any other interest that he may have. It is tied up to structural building, it has nothing whatever to do with goodwill.

4110. Goodwill surely is an interest in a house?—But it is not to be understood in law, and certainly not in practice in this country, to tax a man because he happens to be carrying on a flourishing trade in a particular house; you have regard to the capacity, and the net annual value of the house.

4111. In respect of the income tax, you tax him in his trade?—Yes, because it is a question of trade profit; you tax him on his house in the one schedule, and you tax him upon his trade in the other.

4112. You would tax him upon his interest in the house?—I am taking the interest in the value of the house.

4113. Is not good-will, which is an essential element in the value of that house upon a sale, an interest in that house?—No, that is not associated with the structural building.

4114. I am carrying it beyond the structural building; I am taking your principle of interest?—I cannot bring in that element unless I alter the basis of taxation altogether. If you say that property should be taxed generally whether it is in the structural form of a house, or whether it is at a man's bankers or in his business, and the profit shall be equally chargeable with the rates as well as structural building, then I might have my view upon it, but I am tied up now to the question of ordinary rateable property, and the rule that regulates rating.

4115. I am only asking you how far your principle would carry you; you said that a lessee taking a lease 20 years ago, for instance, covenanting in the usual form for the payment of rates, never contemplated the increase that has taken place in metropolitan taxation; I suppose the lessee equally never contemplated the increase in the rates in granting that lease?—No, and probably he did not contemplate the great improvements to his own property that would be the result.

4116. It was not a matter of contemplation on either side; I presume the lessee, taking a long term at that time, would also have an increase in the value of his interest in the property, would he not, from the metropolitan outlay?—No doubt; and I am charging him with one moiety of the rate for the evident interest which he has, and I am charging the owner of the reversion with one moiety of the rate.

4117. Would you make any alteration in the representation with respect to this property?—Yes; and I might just say that it is part of my system if I charged one moiety upon the owner, and one moiety upon the occupier, to give the owner just the same number of votes as I should give to the occupier, and they should both vote alike for the representatives who should have the control of the expenditure of the fund; I may just say so much.

4118. Mr. *Birley.*] Where owners and occupiers enter into covenants for leases, is it not usually the object of the owner to obtain a definite sum by way of rent, and has not the occupier of the property to accept the uncertainties of rates or taxes?—Undoubtedly, on the very face of the agreement it shows that the owner is entitled to a certain sum free of all taxes, and so on.

4119. If, during the continuance of the lease, a portion of the rates is unexpectedly thrown upon the owner by Act of Parliament, would he not at the end of the lease, when the question of renewal came on, add to the rent in order to cover himself from that either certain or uncertain charge?—I think some landlords would undoubtedly do so.

4120. Would not they do it habitually?—No, I do not think so generally, because I do not believe that the question of rates is so serious an element in determining the arrangement between A. and B., as is generally alleged.

4121. Do you not think that it is customary in the metropolis at the termination of a lease, that the owner looks for an enlarged rent?—Yes, but that is on the supposition that property in the metropolis has improved in value, and property generally has improved in value, rather than the question of high or low rating.

4122. But that improvement is often brought about by those metropolitan improvements?—No doubt.

4123. Mr. *St. Aubyn.*] There is some confusion about the word "owner"; the Committee generally have understood the word "owner" to mean the person who received the rackrent; but in answer to a question just now, I understood you to say that you would divide the rate equally between the occupier and the owner of the reversion?—Yes; in all leasehold properties, for example, you must have two owners; you have the owner of the fee, the ground landlord, then you have the building owner, that is, the lessee who erects the building.

4124. Whom do you refer to?—I mean the owner. For instance, supposing A. to be the occupier at a rackrent; he takes it of B., who is the lessee; a charge of 10*l.* a year is made upon A.; he says to B., "I have paid 10*l.*, and you are, under the Act of Parliament, to bear one moiety of this"; and he says "Certainly, you are to deduct it"; but B. is the lessee of C., who is the ground landlord, and he says to C., "You are to bear a moiety of this tax in proportion to your interest"; so that it is carried down with all the certainty of the income tax.

4125. Then the occupier for the time being is to pay half, and the owner's half is to be apportioned amongst the respective persons who, in your opinion, make up the owner?—Yes.

4126. *Chairman.*] Can you put in a paper showing the aggregate local taxation of the metropolis?—Yes; this is a paper showing the taxation and the population, and a variety of matters of general interest. It is not an official document of the Metropolitan Board, but it was prepared with great labour by our clerk, Mr. Pollard; and although it is only up to the date of 1867, I think the Committee will find it useful in dealing with the question if they will permit me to put it in.—(*The same was delivered in, vide Appendix.*)

Mr. JAMES CAIRD, C.B., was called in; and Examined.

4127. *Chairman.*] YOU have had considerable experience in farming, have you not, both in Scotland and in England?—I have.

4128. And some in Ireland?—Not in farming, although I know something of Ireland.

4129. Do you know something of the local

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taxation of Ireland?—Only generally; I had an opportunity of seeing something of the working of the system of local taxation in Ireland in 1849, immediately after the famine; I know something of it in that way, but not otherwise.

4130. Have you had an opportunity of contrasting the systems of local taxation in Scotland and England?—Yes, I have.

4131. In Scotland the system has been adopted to a large extent of rating the owner, and not the occupier?—The system in Scotland was to rate the owner uniformly till within recent years, when the present Poor Law was passed. I think about 25 years ago the system was partially changed for the first time. The occupier then had to pay half the rates for the first time. That, however, was not altogether a new payment, though it was a payment in a different manner; because formerly, before there was any Poor Law, the paupers were allowed to beg in the country. They had the privilege of begging, and were supplied in kind by the farmers, and that payment in kind was, to some extent, converted into a payment in money under the new Poor Law. That was the first introduction of the farmers becoming ratepayers in Scotland.

4132. At present the poor rate is divided, is it not, between the owner and the occupier?—Equally.

4133. A certain portion being placed upon the owner, and collected from the owner, and the other portion placed upon the occupier, and collected from the occupier?—Quite so.

4134. As regards roads, we have had a general statement placed before the Committee that most of the expenditure for new roads is placed upon the owners, and that the repairs of the roads are charged partly upon the owners and partly upon the occupiers?—In those counties which have themselves adopted a new Road Act, that has been, I believe, uniformly the principle which has been adopted, but where counties have not done away with their toll-bars, but continued to conduct the business under the old Acts, a road contribution is partially got from the tenant in the shape of labour; and exactly as happened in the case of the poor the change which has taken place of imposing upon the occupier a portion of the rate has been in principle the conversion of that which he contributed in kind, in the shape of labour, into a payment in money.

4135. The principle, however, seems to have been thoroughly adopted in Scotland, that a portion of the local taxation ought to be thrown upon the owner?—That is the universal principle, with those exceptions.

4136. As regards education rates, can you state anything to the Committee?—It was very often a matter of bargain between the owner and the occupier that the parish schoolmaster's salary was paid by the tenant.

4137. Were the occupiers free, or not free, to pay it as they chose?—They contracted to pay it.

4138. Under what words did they contract?—In Scotland they are almost invariably written contracts, leases between owner and occupier.

4139. But there would be a number of occupiers to make written contracts?—No, each occupier makes his own contract with the landlord.

4140. That he will pay the amount of the salary?—That very often is so; I do not think it is universal, but I can speak of cases which I know myself where it was so.

4141. Is this school salary levied separately from any other rate?—Yes; it is a payment to the parish schoolmaster to which he is entitled by statute.

4142. Who pays him the money?—Very often the tenant.

4143. I understand that the payment to the schoolmaster is not a fixed sum paid by one person by whom he is employed, but it is made to him in a number of little payments like Easter dues in England?—It is made in a number of little payments, but it is made once a year by individual occupiers, whether they employ him or not; in many cases, even though that contract may subsist, in order to save the schoolmaster trouble, a large proprietor pays it in one sum, and collects it from the occupier when he receives his rent.

4144. On whom is the charge legally fixed of paying the salary of the schoolmaster?—I am not quite able to say that; it is a charge on the land, and I think it is put on the landlord by the statute.

4145. Are there any other rates connected with education in Scotland except that?—I think not.

4146. To go back to the system of roads, the general condition of things in England is in evidence before the Committee, so that I will not ask you to state your view in that respect, but will you state to the Committee your view as to the Scotch system and the English system?—I am not familiar with the working of the English system. I have never done anything but pay my rate, and therefore I know nothing as to how it is applied, but I am familiar with the Scotch system. Under the present system, which I know, the mode that has been adopted has worked remarkably well. The occupier pays for his share of all repairs; each parish has representatives of the occupiers upon the Highway Board, and the working of the thing is found to be extremely satisfactory; the interest and the knowledge which those practical men bring to the Board is found to be very advantageous.

4147. Would you recommend the adoption of the system of rating the owner for the roads in England?—I think it would be very proper; at least as far as my experience of Scotland goes it seems to have answered very well.

4148. In whole or in part?—As a matter of principle, I fancy that the owner really pays all rates, but I think that you usefully bring in the personal interest of the occupier by making him, to some extent, share the payment.

4149. The proportion being a matter on which it would be difficult to give any exact evidence?—I think it is immaterial, because it will be accounted for in the rent.

4150. Has there ever been any objection on the part of owners in Scotland to the charges that are placed upon them as distinguished from the occupiers; I do not mean as compared with Imperial taxation, but have they considered that the occupiers ought to pay more, and that they themselves ought to pay less?—I do not think so; I think that they are perfectly satisfied.

4151. They assume, possibly, do they not, that if the rates were placed upon the occupier, they would get so much less rent?—No doubt.

4152. In Scotland do the owners of property, in fixing their rents, look at all to the local taxation, as far as your experience goes?—When you speak of the owner fixing his rent, I do not think that

that the owner does fix the rent, it is the competition of those who wish to get farms that fixes the rent.

4153. You are acquainted with farming in England; does that remark apply with the same force to England as to Scotland?—Not in the same direct manner, but it does apply to some extent.

4154. Do you think that in Scotland rent approaches more nearly what it would be fixed at by competition, than it does in England?—No doubt of it.

4155. You consider that in Scotland the rent is settled more upon the commercial and competitive system than in the majority of cases in England?—No doubt of it.

4156. In England, rents being allowed to continue with less changes and less disturbance so long as the tenants remain the same?—The tenants-at-will in England on the large estates are very seldom disturbed; but although the common system in Scotland is for tenants to have leases, there is generally a review of the whole circumstances of the matter at the termination of the lease.

4157. Leases in Scotland are for how many years?—Nineteen or 21 years.

4158. As an ordinary practice, at the end of the lease the rent is changed?—Yes, certainly, the ordinary practice; I do not mean that it is always acted upon.

4159. Are you acquainted with those parts of Scotland where leasing does not prevail to the same extent?—They are very rare.

4160. Has there been much increase in the local taxation in Scotland?—Yes, the poor rate tends to increase.

4161. Has that increase at all affected the rents?—I do not think so.

4162. Even though the poor rate is paid one-half by the tenant?—It has not increased to such an extent as sensibly to affect the rents.

4163. Turning your attention on the same point to England, do you agree, as regards the agricultural population of England, with the evidence of the previous witness, which I believe you heard, that in fixing the rents the rates are not taken into consideration?—I think the previous witness was dealing exclusively with town property, and I am speaking of agricultural property.

4164. Would the same remark apply to agricultural property, that the rates are not taken into consideration when fixing the rents?—Certainly not; the rates are taken into consideration.

4165. Would 9 out of 10 farmers, in taking a farm, consider what the rates were as one of the regular and ordinary calculations necessary?—Yes, necessarily, as a matter of business.

4166. Would the amount of rates which there were upon the property affect the rent that he would give?—Certainly.

4167. Do you hold at all that in the readjustment of the rent between a landlord and a tenant in agricultural holdings the whole of the rates practically go in diminution of the rent?—On an agricultural tenancy, I should say they do.

4168. The excess over those rates, or the diminution afterwards going to the benefit or to the charge of the tenant?—Yes, during the period of his tenancy.

4169. With regard to what may be called the hereditary charges upon land, do you consider that those charges which have always been upon that property, county rates and poor rates, do practically come out of the pocket of the occupier or of the owner?—Out of the owner's pocket, no doubt.

4170. Then do you consider, that when the occupiers are complaining of the high rates, they are only so far justified in complaining, that it is an excess over the rate which existed when they took their holding?—I should say so.

4171. Would you go further than that, and say that the rents might have been raised upon them, if those rates had not increased?—Other circumstances might certainly lead to a rise of rent quite irrespective of rates.

4172. Do you think, in the case of an increase which has arisen since a tenant came into his holding, that he bears it, or does the owner bear it; I am speaking, of course, not of leases but of annual tenancies?—That depends quite upon whether the value of his farm has increased to him to a proportion quite equal to the increase of the rates which he is called upon to pay.

4173. Do you think that there are many cases where it has increased in that manner?—Yes, certainly.

4174. Do you consider that the profits of farmers have increased proportionately with the increase of local taxation?—That is a very difficult question to answer. I should say that you must look to the competition for farms, to answer that question in certain districts of the country.

4175. Has competition for farms decreased or increased within your experience?—Greatly increased.

4176. Has that had the effect of raising the rents?—I think so; that I believe is what raises the rents.

4177. I understand you that the principle of competition, as regards land, has not entirely had free play, but that there are other considerations which prevent it?—There is very great difference in different estates; you will find some estates in which it has been the practice not to raise the rent, and competition has no effect there.

4178. Are you aware of any case where the rents have been reduced in consequence of the increase of local taxation?—No, I am not; but it may be, although I am not aware of any case.

4179. When the Union Chargeability Act was passed, and considerable additional burthens were thrown on some parishes, you are not acquainted with any case where, in consequence, the rents were reduced?—I am not acquainted with any such case, but I think it is very probable that such a case may have occurred, because the taxation was certainly most unequal in consequence of the close parishes.

4180. If the rents were reduced, then the additional taxation would come out of the pocket of the owner, would it not?—Yes.

4181. If rents were not reduced, the additional taxation would come out of the pocket of the occupier?—Yes.

4182. Would that latter statement be subject to this modification, that it might have come out of the pocket of the occupier, if he, having to pay those rates, had not escaped the rise in the rent which otherwise would have taken place?—That is quite clear. I answered the question as you put it to me, that any increase of rates must first come out of his pocket; whether he is otherwise recouped is another question.

4183. Have you considered the point as to whether the occupiers are practically paying

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an excess in the pressure of the rates, beyond what they were paying when they came into the farms, if their rents have been continued at the same rate from the commencement of their tenancy?—That depends very much upon when their tenancy commenced. If you take some estates where the tenancy commenced at the beginning of this century, I should say that the tenant is better off to pay an increased rate than an increased rent, and there may be many other instances of a similar character of a much more recent date.

4184. But as a matter of fact, as far as your experience goes, would an owner change the rent to his tenant from year to year, according as there was an increase or a decrease of local taxation?—I suppose that if that were becoming at all the notion, there would immediately arise on the part of the tenants a demand for a lease, and that there should be fixity as to what he should pay during a certain term.

4185. Therefore, generally speaking, the chances of the rate rising and falling belong to the occupier, after he has once established himself in his farm?—Yes; until a change of bargain between him and his landlord takes place.

4186. And those bargains are not very frequent?—I think the tenant does not generally wish to have them revised.

4187. I rather gather from your evidence that you think that the tenant would have bargained for a revision of his rent, in consequence of his increased local taxation, except for the end which you pointed out, that the rents were not excessively high, and he therefore preferred remaining as he was?—I think tenants generally, both in England and in Scotland, are very desirous of standing on very friendly terms with their landlords; and though they might have reason to complain on small matters of that kind, they would prefer to suffer a little rather than have any difficulty or disturbance.

4188. Have you considered the question of the propriety of placing a portion of the local rates in England upon the owners?—Yes, I think it would be very advisable to do so to some extent.

4189. Will you state your opinion to the Committee as to how far you think it would be just?—In Scotland, we have found that the owner, from being directly called upon to pay a large proportion of the rates, takes a very active interest in their administration, and I think that has led to much economy, and also probably to a more liberal and far-seeing view of the position of affairs in the district, than would be the case when it falls entirely upon the occupying tenant.

4190. Then, independently of the question of shifting of the burthens, you think that there would be administrative advantages in putting a portion of the rate upon the owner?—I think that is the principal advantage, in my mind.

4191. Holding that the rate ultimately comes out of the pocket of the owner, you do not think that it matters much financially upon whom it is placed?—I do not.

4192. Do the occupiers, as far as you are aware, think that they pay the rates in most cases now?—I cannot answer for others.

4193. If they think that they are paying the whole of the rates, do you think that they are wrong in that idea?—I do not know that the occupiers think so; a man who takes a farm always takes care to inform himself what the rates are, and it is quite as much a part of the rent almost as the rent itself, and he knows that perfectly well.

4194. Therefore there would be no real shifting of the burthens in placing them upon the owner, provided that you have due regard to existing leases?—I think, taking it quite in the abstract, it would be better if it was all placed upon the owner; but I think there is a great advantage in getting the occupier to feel an interest as far as the management of the labouring poor and of roads are concerned, because there are many cases in which he has a very direct interest, and a great deal of knowledge of the matter. I think it is of very great advantage to get this personal interest in the administration of those matters.

4195. Does that extend to the county rate, in your opinion, or have you considered that point as regards the county rate?—As far as I can see, I think that there is a great advantage in getting the occupier's assistance in administering the poor rate and the highway rate.

4196. As regards other agricultural rates, you would not recommend putting them exclusively on the owners?—I should not. I do not mean to say that I would recommend a total change in the old established system; but if you are beginning anew, I should certainly be inclined to adopt that plan; I do not think it is worth while to make a change for any advantage that would be had otherwise.

4197. Would you consider it an advantage if all rates could be similarly dealt with, so as to have one collection and one principle for the whole?—I should say so.

4198. And that it might be worth while to sacrifice any little advantage of theoretically placing separate rates upon the owner or the occupier, in order to get one general system; that is to say, to have one consolidated rate for all purposes which might be dealt with broadly?—You might have one system, and you might have the occupier to pay the whole rate, and yet allow the occupier to recover one-half of that rate from his rent, and still have one uniform system.

4199. Mr. *Corrance.*] Or any other proportion?—Yes, or any other proportion.

4200. *Chairman.*] The rates in which you think it would be most advisable to retain a large interest on the part of the occupier would be the poor's rate and the highway rate?—Yes.

4201. Would you levy those rates exclusively upon the occupiers?—No; I should propose to divide them.

4202. And you think it an advantage to introduce the element of the owner in the poor rate and in the highway rate, and to retain the present interest of the occupier?—Yes, certainly.

4203. Do you think there would be any difficulty, as regards existing arrangements, in carrying out such a plan?—I think there would be, certainly, a difficulty with regard to all leaseholds; in yearly tenancies and tenancies-at-will I do not see that there would be any serious difficulties.

4204. Would it lead to a readjustment of rents generally?—No doubt of it.

4205. Do you think that that would be a reason that might possibly make a change generally unpopular?—I do not think that any occupier is ever fond of a readjustment of rent; it generally means a rise, I think.

4206. Might there be this feeling, if a plan of this kind were introduced, that while a part of the rates would be placed upon the owners, the readjustment which might take place in consequence

quence would go beyond the amount of the rates, and might lead to an inquiry into what was the fair rent of the day?—I think it is generally admitted, as comparing England with Scotland, that the rent of land in England of equal quality is lower than in Scotland; and it has been, I believe, hitherto held that the cause of that is that the occupier in England, paying all the rates, must keep to himself a sufficient margin to cover them all.

4207. But that margin you believe would be added to the rent in the case of a change in the law?—Yes, I daresay he might apprehend that that margin might be increased; it is an indefinite margin.

4208. The owner at present is suffering by a lower rent for the margin resting with the tenant?—I suppose it is a tax which he pays for throwing upon the tenant the whole burthen of administering those rates. I do not know what other view you can take of it.

4209. Then, so far as the existing system of local taxation is a grievance, it ought rather to be an owner's grievance than an occupier's grievance?—Excepting in cases where there has been a considerable increase of rates in consequence of recent legislation to which the occupier is called upon to pay, and from which he has no relief.

4210. That would apply with particular force to all property that is held under lease, would it not?—Yes.

4211. Of course the increase of taxation upon property held under lease would fall exclusively upon the occupier without redress?—Yes, unless there was some redress provided by the Act of Parliament which caused the change.

4212. But that would be dealing with existing contracts, would it not?—Yes.

4213. Would you hold, if tenants at the commencement of their tenancies, had bargained to pay all rates, that it would be fair to put a portion of them upon the owners now?—I do not think it would be fair.

4214. Would you hold that they entered into it with their eyes open, and that the increase in agricultural rates is not of such a character that it could be said of them that they were a new taxation, and were not foreseen at the commencement of the contract?—The total change, and such a change as you are hinting at now, certainly could not have been foreseen by either party, because it had always been the habit, as regards England, that the poor rate should be paid by the occupier.

4215. I was rather alluding to the principle thrown out by the previous witness, which applied to towns, that the increased rate could not have been foreseen by either contracting party at the commencement of their agreement, and that therefore it would be fair to place a portion of it upon the owner; would that apply to agricultural rates?—I do not think so. I think agricultural tenants have made contracts under existing circumstances, and of those circumstances, so long as they are not changed by law, I think there is no reason to complain. The imposition of any new rate would, of course, alter the circumstances.

4216. Where there had been a contract that all rates and taxes should be paid by the tenant, do you hold that it would be fair to enact that a portion of them should be thrown upon the owner in the case of existing leases?—I do not think it would be fair.

4217. Have you considered at all whether the constitution of the bodies administering the rates ought to be changed in consequence of any alterations in the law, throwing a portion of the taxation upon the owners?—In Scotland we have found, where the occupier for the first time has been called upon to pay the rates, it has been a very useful thing indeed that he should also have a share in the administration of them and, as I have already said, the representatives of the occupiers are found very useful members of either the Highway or the Poor Law Board.

4218. And *vice versâ* you would desire that in England, if the rates should be thrown partly upon the owner, the owner should be secured a certain amount of representation?—Certainly, I think that is very important.

4219. It would be almost unfair, would it not, to charge the owner directly with rates without giving him a portion of representation?—Yes.

4220. Are you a guardian of the poor?—No.

4221. Are you aware at all how the *ex officio* element acts in the administration of the poor law?—I am not conversant with the management of the poor in England.

4222. Nor with the management of highways?—No.

4223. You would state generally your view that the owners ought to be admitted to a fair share in the representation?—Yes, I think it would be most useful and proper.

4224. You have not considered the mode in which it should be allowed them?—No.

4225. You have not considered, for instance, whether it would be desirable that the owners should elect separately?—In Scotland all owners over a certain amount are for that reason administrators of the rate.

4226. And no difficulties have arisen in Scotland in consequence of the position of the owners?—Not the slightest, but that has always been the position of the owners.

4227. Are you aware at all of any antagonism between the representatives of the occupiers and the representatives of the owners in the administration of rates in Scotland?—The only sort of antagonism that I have ever heard of or seen is in this way. The occupiers, as a rule, would prefer paying any extraordinary rate, as it were, by a loan; they do not seem to have the same fear of the consequences of a loan that the owners would have, but that I should imagine is the only case in which any one could say that there is really antagonism between them.

4228. The occupiers, having only a temporary interest, do not wish to pay for improvements which would naturally be charged to capital account?—They do not think it fair that the whole of the capital expended should fall upon them.

4229. They having only a temporary interest?—Yes.

4230. So far as that applies to the expenditure under the county rate for the erection of lunatic asylums, and so on, the same argument might apply, might it not, to England?—I should imagine so generally.

4231. The argument in favour of charging the owners with those rates which affect permanent improvements is even stronger than that of charging the owners with rates for current expenditure?—Yes, clearly so.

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4232. Can you state to the Committee any view that you have formed as regards local taxation in Ireland?—I remember during the time of the famine, in 1848 and 1849, cases in which very fine land went entirely out of cultivation, in consequence of the rates being all thrown upon the occupier, and the whole value of the produce was not equal to the amount of the rates, the land was deserted, and nobody dared to occupy it on account of the arrears of rates payable by the occupier.

4233. But in Ireland a portion of the rates is thrown upon the owner, is it not?—It is now divided.

4234. Will you state to the Committee when that was first done?—I think it was in 1848 or 1849 that the rates were divided; they were divided subsequently to the famine upon the new Irish poor law being passed.

4235. As far as you are aware does that division act well in Ireland?—I believe it acts very well.

4236. So that, looking at the division both in Scotland and in Ireland, you see no reason why it should not be introduced into England?—I think it would be very advantageous.

4237. Mr. *Acland.*] It has been alleged that the pressure of local taxation and the apprehension of its increase, discourages the application of capital to agriculture, do you agree in that opinion?—I have not myself met with any instance in which I have observed it.

4238. In the course of your evidence we have been speaking all along as if all the land was divided between two persons, the owner and the occupier; you have not given any evidence on the case of a yeoman or statesman who farms his own land, and it is especially in that case that the argument is put in this way; if a man inherits a legacy of 1,000*l.* from a relation, if he puts it into a shop in a country village it would not be taxed, but if he puts it into property, farm buildings or drainage, it would be taxed; and it is argued from that, that the application of capital to the improvement of people's land, who farm their own land is discouraged; do you think that that is confirmed by experience?—I dare say that the effect is such as you have indicated in your question, but I do not think that in the practical working it would really much affect the question of laying out money upon the improvement of land; I dare say there may be something in it, but I do not think that it affects the question practically, as far as my experience goes.

4239. You do not think practically that it has much effect in that direction?—I do not think it has.

4240. You have been asked a great many questions about the compensation which occupying farmers have received of late years in the gradual improvement in the value of land, to meet the increase of local rates; do you think, or do you not think, that the improvement of agricultural machinery, which is due no doubt to the energies of the farmers themselves and their friends, has to a very great extent diminished the cost of farming since the adoption of free trade?—I think it has very considerably increased the power of the farmer to produce.

4241. And therefore it has diminished the cost in proportion?—Yes, in proportion to the produce, I have no doubt it has diminished the cost; but probably not diminished it in proportion to the acreage of his farm to the produce; and I think it very likely that you may, by the application of steam power, get a much larger return from the same acreage at a less cost upon the produce, but not upon the acres.

4242. But, even prior to the introduction of steam, is it not the fact that the great development of agricultural machinery, which we have seen since the foundation of the Royal Agricultural Society, we may say, has enabled the farmers to produce more at comparatively less cost?—I believe it has.

4243. Is it not the fact also, that the introduction of portable manures has operated to a very large extent in the same direction?—No doubt it has.

4244. Could you give anything like an approximate estimate per acre what has been the advantage of the employment of portable manures as compared with the old system of manuring?—I think that it has enabled the farmers to grow very extensive green crops of excellent quality, where in former times it was impossible that they could do so.

4245. Might we not give some kind of estimate of the cost of manure, when you had to haul 20 tons of dung to the acre?—That has of course cheapened, and greatly cheapened, the cost of manure; the introduction of guano into this country has had an immense effect upon the increase of produce.

4246. Do not all these circumstances tend to show that there are a great many facts to be taken into account in estimating what has been the pressure of local taxation upon the practical farmer?—In Scotland all those circumstances have gone very much, I believe, to increase the rent, and the farmer has therefore paid to the landowner a very considerable portion of that which, in England, has remained with the tenant in many cases.

4247. You stated that you thought that the two most important rates to be divided between the landlord and the tenant, were the rates for the relief of the poor, and for the improvement of the roads; do you not think that, with respect to the coming rate for education, it is desirable that it should be divided?—Yes, I think that would be very desirable also.

4248. If the law which regulates the basis of rating is entirely altered, and the rate is divided between landlord and tenant, would not the same law, do you suppose, provide that there should be some arrangement where farms were held under lease for adjusting that burthen; that is to say, if the rates on a farm were 100*l.*, now paid entirely by the tenant, and the law declared that 50*l.* a year of that amount should in future be paid by the landlord, do you not conceive that same Act of Parliament should make some arrangement for adjusting that burthen?—It did not do so in Scotland when the tenant for the first time was called upon to pay the whole rate in money; there was no reference then to existing leases, and it was thought an injustice on the part of the farmer; many considered that they suffered an injustice for the time.

4249. Then it was no rate, but we are now supposing existing rates which were paid to the extent of 100*l.* a year by the farmer, farming a small farm, and that in future 50*l.* is to be charged upon the landlord; surely it would be a great injustice, if it were not also provided that some arrangements should be made about th

the rent?—I think it would be just that some such arrangement should be made.

4250. Could not some arrangement be made upon the basis of the average of rates over a certain number of years?—I should imagine so.

4251. Do you apprehend that sensible business-like men, whether farmers or landlords, would have much difficulty in adjusting that matter?—I do not think they would.

4252. Mr. *Corrance.*] I think you are well acquainted with statistics of all sorts?—With agricultural statistics.

4253. With all the knowledge that you possess upon that point, do you think you could reduce into a few series of questions such as might be put to you here, any data upon which we might form an opinion from what causes the increase of rent has proceeded?—The general prosperity of the country, I think.

4254. You would not refer to any two, three, four, or five circumstances, as being sufficient to account for it?—In some cases there are exceptional circumstances; for instance, you may find a very great estate where there has been no increase of rent for a long period; and an increase of rent there would not be solely from the general prosperity of the country, but also from the fact that for such a long period no increase had taken place, in fact that the land was let below what it would bring in the market.

4255. In Scotland, particularly, I suppose you would attribute it to the great improvement in agriculture?—And the great competition for land as well.

4256. But the state of cultivation in Scotland has been enormously improved within your recollection, has it not?—Yes, very greatly.

4257. And you have increased the gross produce immensely?—Yes, but I do not think that the best agriculture of Scotland is superior to the best agriculture of England; I do not for a moment say so.

4258. And that increase has been produced by the application of capital to the land?—Yes.

4259. That capital has been applied by the tenant generally, has it not?—Very seldom has the permanent capital been applied by a tenant; the buildings, drainage, fences, roads, and so on, as a rule, are made by the landowner; the floating capital is all the tenant's property.

4260. But at the end of a 19 or 21 years' lease, which is usual in Scotland, there would be some amount of improvement that the tenant left behind him, would there not?—Yes, certainly.

4261. And this becomes the property of the landlord?—That is, I suppose, in some degree considered in the length of the lease. But no doubt the circumstance that such improvements at present pass to the landlord, without compensation, deters tenants from continuing to make them towards the end of the lease.

4262. I suppose, if the landlord had to re-let the farm, you would consider him justified in obtaining an increase of rent to the extent of those improvements?—Such is the practice; but I think he should compensate the tenant for their actual value at the time of his removal. It would be wise to amend the law on that point which presumes, often contrary to the fact, that all improvements belong to the landlord.

4263. That has been the gradual process which has conducted you to a high state of prosperity in agriculture in Scotland?—I think there is an over-competition for land encouraged in Scotland by the system of letting by tender.

4264. But, on the other hand, occurring as it does very seldom, only once in 19 years, of course the tenants are not sufferers to any great extent; a farm is only let once in 19 years, and therefore the rent would not be raised during the whole period, involving in the 19 years from letting to letting?—Yes, that is so.

4265. Therefore it would not press very hard upon any existing tenant?—He probably might not continue to be the tenant, and very often he does not; a new tenant comes in at probably a much increased rent; it often happens, indeed, that the rent which the new tenant offers (who in many cases is a stranger), the old tenant, who has been a very good farmer, refuses to pay; and he leaves the farm, and such improvements as may have been left in it through his exertions, for the benefit of the landowner. Very often the new tenant, having offered too much, cannot pay all that additional rent, and there are many cases in which private arrangements have been made between the landowner and the tenant to reduce this high rent that he may have offered; and that, I say, is one evil effect of the too common system of letting by tender.

4266. But, upon the whole, Scotch farmers are quite content that that should be the result of their arrangements?—I think that Scotch farmers are quite content that there should be competition, but they think it unfair that the competition should from any circumstance be unduly increased.

4267. In fact, they would put a limit to free contract?—No, I do not think that is the desire of the tenants at all.

4268. But what would putting any checks on competition be but a limit to free contract?—There is this circumstance in Scotland that the Law of Hypothec has an undue effect in increasing the competition for farms; it enables men of very small means to be pitted against men of capital. A man of that description runs great risks rather than lose what he considers to be a good farm; and a man of capital, who cannot afford to run that risk, thinks himself unfairly pitted against such a man by the present state of the law.

4269. They would like to establish a monopoly of capitalists, would they not?—No, I think there is no such desire: all that they object to is the unfair competition; fair competition they have not the least objection to.

4270. Fair competition in their opinion, of course as bidders, would be to exclude a certain number?—I do not think they object to anyone who has really the capital necessary to conduct the business. What they do object to is, that the law should give inducements and advantages to landlords to enable them, without risk, to encourage men of straw to compete, men whom under a different state of the law they would not accept as possible tenants. My only interest now in Scotland is as a proprietor. But I feel very strongly that the present arrangement of the law places the tenant at an unfair disadvantage in making his contract, and that, while its removal would be just to tenants, it would not take from landlords anything they are entitled to, or that, on the average, in the course of years, they could actually realise. For when a man without means gets a farm at a rent which, in the end, he cannot pay, his failure has a very bad effect on the land-

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lord's interest, and the consequent loss is often far greater than the temporary gain.

4271. You have drawn a very broad distinction between poor rates and highway rates, and any other rates, but I do not think you assign any data for it?—I think that the farmer is more directly interested in the question of the labourer and his employment, and also in the management of the roads, than in anything else in the county expenditure.

4272. Do you think that the occupier exercises a stronger controlling influence over the expenditure of the poor rates through being an employer of labour?—I think he is a very useful man to be there, from his local and personal knowledge.

4273. Do you think that as an employer of labour he has great power of exercising control over the poor rates?—I do not exactly see what you desire me to answer.

4274. I think in answer to the honourable Member for North Devon, you stated that you did not think that local taxation, or any taxation, influence the application of capital to anything; is that your opinion?—I spoke only of agriculture.

4275. But do you draw a distinction in that respect between farming and any other employment?—Not in principle.

4276. What was the argument in the case of free trade, for instance; was it not this, that it indirectly taxes the production of a certain class?—Yes.

4277. Would it not be your assumption that if one trade was heavily taxed, and another was not, the capital would seek out more productive employment?—No doubt.

4278. If by such means you rendered farming less productive than some neighbouring employment, some manufacture in the neighbourhood, the capital would necessarily be diverted from its former channel, would it not?—You must not, in thinking of farming, forget the fact that many people prefer it as an occupation to others, and that to a certain extent influences their views of what would be a fair return upon their capital.

4279. Is not that rather sentimental than practical?—No, I do not think it is; I think it is very substantial.

4280. Then you take it out of the ordinary operations of economy?—To that extent no doubt.

4281. Would there be any difficulty in reserving the rights of existing tenants in the case of any change of the incidence of the rates?—I have already answered the honourable Member for North Devon, that I think not.

4282. Have you known any instances where it has occurred in any change of agreement?—Nothing of the kind has ever taken place under my knowledge.

4283. Sir *Hedworth Williamson.*] I think you told the Right Honourable Chairman, that you have not made up your mind, supposing the owner paid half the rates in England, what share of representation he should have at the board?—I have not considered the question, because in Scotland all the owners, you may say, are administrators of the rate.

4284. Sir *William Tite.*] Do you know that, practically, great estates in Ireland belong to the London companies?—I know very little about them.

4285. Do you know the nature of the covenants that they exact from the tenants?—I do not.

4286. Is there anything like that in Scotland; that is to say, corporate estates which are leased, having heavy duties to be performed by the trustees who hold them?—There are certain estates, the Heriots Hospital Estate in Edinburgh, for instance, and other estates of a similar character, but they are not on the same grand scale as the London corporations' estates are.

4287. However, be they great or small, I take it that they exact from their tenants that the rent shall be paid, and that all the rates shall be paid?—They are administered exactly as any other estate in Scotland.

4288. What is the nature of that administration?—The landowner pays all the rates, except half the poor rate and a proportion of the highway rate.

4289. Do you know the English practice in connection with the letting of estates round London, which are so very much held by the great corporations?—No, I do not.

4290. Nor the nature of the covenant which they make?—No.

4291. If they take the form of an exact covenant that the tenant shall pay every charge, be it what it may, and the rent shall be paid net to the landowner in that case, the corporators or trustees, how do you imagine that the matter could be adjusted, if it was resolved upon that the landlord should, notwithstanding that covenant, pay half of a certain rate?—I have no doubt that, to that extent, the rent would be increased on renewing the letting. The Act might provide that in peculiar cases of that kind the existing practice should continue till the end of the term for which the lands are let.

4292. The owner having let upon lease, say 400 or 500 acres of land, upon the covenant that the rating shall all be paid by the tenant, if it was resolved by Parliament that one-half of a certain rate, the poor rate, for example, should be paid by the landlord, and not by the tenant who had so covenanted to pay everything, would not it be a very difficult machinery to arrange?—It does not appear to me that it would be difficult to ascertain what had been the average payment during a period of years by the tenant on account of that particular rate, and if one-half is now to be borne by the landowner, to that extent there should be an increase in his rent.

4293. In fact, do you know the practice in England?—The practice in England is that the tenant pays everything.

4294. And takes all his chances?—Yes.

4295. You conceive that some machinery must be arranged by an Act of Parliament by which this matter should be inquired into, and the burden of the tenant either relieved or increased, as the case might be?—Yes, or, as I have suggested, the alteration of the law might be made to take effect on expiry of the lease.

4296. Do you see any practical difficulty in that?—I do not.

4297. Mr. *Birley.*] You have not considered how that is to be done?—I have not; there are difficulties in any re-arrangement of that kind, no doubt, but it does not seem to me to be impossible.

4298. I suppose the lease would have to be brought to book and arranged according to some average of a certain number of years, probably?—There would be difficulties, no doubt.

4299. Mr. *Gregory.*] I do not know whether your

your experience agrees with mine, but according to mine, when a tenant proposes to take a farm, the first thing he does is to look at the land?—Yes.

4300. The second thing is to go to the rate book?—Yes.

4301. And he then makes an accurate calculation of the rates that he would be liable to pay?—Certainly.

4302. And he leaves himself a margin over and above to cover contingencies?—I should think that he takes the land as cheaply as he can get it.

4303. The result, therefore, is that he deducts the rates that he finds, and something to cover some small increase of those rates, in calculating his rent?—I have no doubt he takes it all into account.

4304. With respect to the representation of the landowners in Scotland upon those boards, you may have a landowner for a large district, for instance, which may cover an area of several parishes, but as to the occupiers, you would have an occupier in every parish, I presume?—Yes.

4305. But the landowner would be only one individual?—Yes.

4306. Has he only himself as the representative of all that district, or does he put in nominees for the several parishes?—He generally has his factor or resident agent, who is entitled to act along with himself; but wherever such circumstances as you have mentioned have arisen, of a large landowner being the only landowner, and the whole of the ratepayers his tenants, there would be no difficulty as to the influence which that landowner would exercise.

4307. Mr. *St. Aubyn.*] Whether he let on lease or otherwise?—Yes, In practice a great landowner has no difficulty in maintaining ample influence in such circumstances.

4308. Mr. *Gregory.*] It is the system in Scotland to put up a farm to public auction, is it not?—No; to tender. It is not universal, but it is very common on a change of tenancy.

4309. When you talk of a change of tenancy, is it upon the determination of the period of holding, or is it upon a surrender by the tenant?—Upon the determination of the lease.

4310. Are you aware that it is a common practice in England, upon a determination of that kind, to have the farm revalued, and to give the refusal to the occupying tenant?—In Scotland, as a rule, the occupying tenant would generally have the refusal, unless there were some special circumstances.

4311. Before the farm is put up to tender?—Generally he would. The rule, I should say, would be, in all well-managed estates, that the rent would be considered, and that rent would be mentioned to the occupying tenant, and if he declined it, the farm would then very likely be offered to tender.

4312. A public roup is an auction, is it not?—Yes, the same as an English auction; but that is very seldom done. I never saw it done myself.

4313. Sir *William Tite.*] But if it were, would it be put up at the upset price or otherwise?—I never saw it done.

4314. Colonel *Brise.*] I think you said that in Scotland it was not the owner that fixed the rent, but the competition of those who wanted the farm that fixed the rent; in that case, if the rates rise, the owner has not the power of raising the rent?—He may ask a higher rent, if he likes, but he is not at all sure to get it unless there is competition.

4315. You stated, did you not, that the owner in Scotland takes considerable interest in the expenditure of the rates?—A great interest, and a very useful interest, I think.

4316. Do you think that his paying the rate has any effect in making him take an interest in the expenditure?—I think it has.

4317. But in England, on the other hand, I think you said the landowner fixes the rent?—I think competition has its effect in England also, but not in the same direct manner that it has in Scotland.

4318. At any rate, you hold that with the English landlords the rent is not the only consideration that enters their mind upon letting farms?—I think that there is no difference between English and Scotch landlords in that regard.

4319. Do you think that English landowners will take as much interest in the rates as the landowners in Scotland do?—I think if they had to pay them directly, as the owners in Scotland have, in a certain proportion, it would give them a greater personal interest in their administration.

4320. But the English landowners have the power of increasing their rent, which the Scotch landowners have not?—I do not think that either the one or the other has any absolute power of increasing their rents; I think that depends upon competition; in other words, on there being a demand for their land. Practically, a landowner may increase the rent up to the amount which other tenants would give for it. But if he were to fix a rent above what the land would bring in the open market, he would soon discover the limits of his power in that respect.

4321. You recommend, do you not, that the poor rate and the highway rate should be paid by the occupier, and considered as occupiers' rates?—Yes; half of them.

4322. As to the county rates and other rates, how would you recommend that they should be paid, do you consider them owners' rates?—I do not feel myself capable of answering that question. In Scotland the owners always pay those rates and administer them themselves, and that system has worked remarkably well. In England you have a different system, and probably in adopting a change you may prefer something of uniformity, and say that half of all the rates should be laid upon each.

4323. You stated that in Scotland the improvements in agriculture, in manures, in the application of steam, and so on, have all gone to the landowner in the shape of rent; but it was not so in England, as I understand you to say?—I do not remember that I said that they had all gone to the landlord, but I say that a very large proportion certainly does go in increased rent; in England, wherever there is much competition, no doubt the same result would follow.

4324. But it has not followed so much, you think, as in Scotland?—No, it has not.

4325. Do you think that the occupier has all the advantage of the improvements in England?—I think the fact that there is so much land still held at yearly tenancy in England has prevented that rise of rents which has occurred where leases have been prevalent.

4326. Do you think that the rise of the rents is not in a great measure owing to the outlay for improvements as well as to competition?—I fancy that

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that competition for land arises from its having been found that there was a profitable investment to be obtained in it, which can only be done by a considerable outlay in improvements, and in high farming on poor land.

4327. In the case of an occupier who lays out 10,000*l.*, we will say, on the improvement of his occupation, have you expressed any opinion as to whether that 10,000*l.* should be subject to rates, and he should pay rates on that outlay?—I am not aware that he does.

4328. I presume that this 10,000*l.* has improved the value of his farm, and therefore the assessment committee increases the assessment on that occupation, and he pays rates on that 10,000*l.*, does he not?—No doubt he may do so.

4329. Do you express any opinion as to the justice or injustice of that?—It is one of the conditions of his tenancy, but I think it is impolitic, as it must discourage the expenditure of capital by a tenant. In Scotland the rates are levied according to the actual rent during the lease, and so that difficulty does not arise.

4330. With regard to the salaries of schoolmasters, does the tenant pay them in a rate, or are they a voluntary contribution, or in what form does he pay them?—A parish schoolmaster in Scotland has a fixed salary, payable by the land, much in the same way as a parish clergyman has; and that in some cases is paid directly by the landlord, but in some cases it is paid by the tenant; and so far as my own knowledge of it goes, I think it is a matter of contract between the two parties, the owner and the occupier. I am not positive as to whether the law imposes it upon the landowner or not, but it certainly is laid upon the land; it is a payment imposed upon the land, it is not voluntary.

4331. Mr. *Pell.*] Do you think that in Scotland contribution and control go together with regard to rates?—I think it is not a complaint on the part of the occupiers that they do not go together.

4332. I am afraid, with regard to the education rate, you cannot tell us whether that is really chargeable to the owner or to the occupier; we will take the contribution to the county rate, by whom is that paid?—It is paid by the owner; it is a charge upon the land.

4333. Can it be recovered from the land, or from the chattels upon it?—I cannot answer that question; in practice I have never known it to arise. It is paid by the landlord unless the tenant has contracted to relieve him.

4334. With regard to the poor rate, that is paid in Scotland, is it not, by the occupier?—It is paid by the occupier and the owner equally.

4335. Is it true that it is paid, in the first instance, by the occupier, and that afterwards he is entitled to recover half of it from the owner?—No; it is paid directly by both owner and occupier.

4336. Then are there two receipts given, and two collections made?—Yes, generally.

4337. Do you think that that tends to care in the administration of the finances?—It has not been found practically to be at all troublesome to make such a collection; and I think that it is very useful in its administration.

4338. Observing the result of that in Scotland, do you think that we should receive benefit from a change of that sort in England?—I am quite sure that it works very well in Scotland.

4339. Do you think there is a better attendance of the owners at the board of management in Scotland?—No doubt. Either the owner or his factor attends; in a great many very large estates in Scotland there is a professional man who is the resident factor on the estate, and either he or the owner, and very likely both, may attend.

4340. With regard to road rates in Scotland, are they collected in a similar manner?—Under the recent Acts of Parliament, where the different counties have themselves obtained new road Acts, and have done away with the toll system, the principle which has been established has been generally this, that for all new works the owner pays altogether, and for all repairs the owner and occupier pay equally.

4341. Was not there a Commission in 1858 upon that subject?—Yes; they were never able to arrive at such a satisfactory conclusion as to make a general Road Act for the whole country, and for that reason various counties have themselves obtained Acts to regulate their own county.

4342. So that the practice is very much more varied in Scotland than in England?—It is very much more varied; but I think that wherever they have adopted a new Act it proceeds upon the principle that formerly many roads were maintained by statute labour, and that is why it has been commuted into an assessment.

4343. Who controls the expenditure of the road rate in Scotland?—All owners of above 100*l.* in value, and the representatives of tenants and occupiers, one from each parish.

4344. Do not your quarter sessions in Scotland, or a body analogous to our quarter sessions, control the whole of the roads?—They did, but now it is put upon a different footing. Where the new Act has been adopted they have county boards and district boards, and they are partly composed of owners over a certain amount, and the representatives of the occupiers.

4345. How often are the assessments of hereditaments in Scotland changed?—Once a year; there is a return every year. I happen to have received a form of return this very day sent to me as an owner in Scotland, which gives the particulars of the whole of our rental.

4346. In Scotland, where you have done so much to improve the surface of the land by the application of farming capital, does the effect of this revaluation of the hereditaments annually operate as a check to farmers putting on additional capital on their land?—Not in the slightest degree, because when a farm is let on lease, at a fair rent, the rent so established is accepted as the value during the lease, notwithstanding any expenditure of tenants' capital. I dare say the common sense of the people has had as much to do with that practice as the provisions of statute.

4347. You are not the least afraid of that?—No, not in the least.

4348. Supposing that upon a holding in Scotland you expended a considerable sum of money in manure which would not be exhausted in two years, the first year after it has been applied to the land would make it more valuable than it would have been before?—No doubt.

4349. Because there is a portion of it unexhausted, would you, upon the gentleman who occupied the land under those circumstances, raise the value of that hereditament upon the score of the increased value of the land?—No, this return is based upon the actual rental, and those rentals have relation to what it may be during the currency of the lease, and the temporary raising of the quality

quality of the land for one or two years would never be touched at all.

4350. You are aware that in England the assessment committee frequently assess a farm at considerably above the rent, though it may be upon a yearly holding paid by the tenant for his farm?—I am not familiar with the question in England.

4351. But such is not the case in Scotland?—No, the real rent is almost uniformly taken in Scotland as the basis of assessment; no imaginary rent, but the real rent. There is an annual assessment, but not a revaluation; you have to give an annual return, because you may have changed your tenancies upon your property.

4252. It is to catch the changes, in fact?—Yes, they have it corrected every year, but there is no question of revaluation.

4353. In the case of a leasehold farm in Scotland, a man might fearlessly, at the commencement of his lease, so work his land that he raised the annual value of it immediately, and under your law, or under your practice, in Scotland, he would not have his assessment raised until his rent was raised at the termination of his lease?—Certainly not.

4354. Sir *Massey Lopes.*] Some 25 years ago the old mode of rating in Scotland was according to a man's means and substance, was it not?—Poor rates were leviable on means and substance, but in practice the rent was taken as the measure or test of a man's means. The system of charging on means and substance has ceased.

4355. That was the original rule in Scotland with regard to all assessments, was it not?—Yes.

4356. When we speak of means and substance, that means personal property as well as real?—Yes.

4357. But the principle of means and substance was valuing according to a man's means or ability; that was the object to be attained?—Yes, that would be so; but even while it existed the rent was practically the rule in country parishes, and even in towns the rent of a man's dwelling was accepted as a test of his means. Direct estimate of means was tried for a short time, but was found intolerable. All that has ceased.

4358. Your Board of Supervision in Scotland have instituted a different system by classifying property?—I believe that is so.

4359. And by that means they have endeavoured to obtain the same end, though in another way, from the old system?—I believe there was a great hardship felt in the practice of assessing means and substance in towns, and that led, in some cases, to persons of wealth being deterred from settling in places where they would otherwise have been very glad to have settled, because their whole property became assessed where probably their liabilities otherwise should not have required it.

4360. The Board of Supervision in Scotland, in substitution for that, would rate a man's mansion, for instance, at a higher rate than a farmhouse, or perhaps any other sort of premises?—The Board of Supervision do, under the Act, sanction such arrangements in towns. The actual rent is taken, but a higher per-centage of rates is charged on dwellings than on places of business in towns and localities where such special arrangements have been judged advisable. The mode of assessment which, I believe, is now universal over the country is this: there is an assessor appointed, and that assessor is an official man who sends round such documents as this every year to every owner of property, and gets a return of the real rental, and upon that he bases the assessment. And where distinctive per-centage of rates have been established these are charged on the actual rent. I do not think that the Board of Supervision otherwise interfere at at all in the matter.

4361. Do you suppose that, if any division of rates took place between the owners and the occupiers, there would be any pecuniary benefit at all to the occupiers?—If the rates have had a tendency to rise, or in such instances as have been mentioned, where the late Act of Parliament has extended the area of chargeability, and thereby imposed an unexpected hardship upon persons who did not pay the same rate previously, no doubt a change of that kind would be beneficial to the tenant relieved, but ultimately and in the long run I think it is a matter of no importance.

4362. But if a law to that effect was passed to-morrow, it would tend, would it not, to disturb existing arrangements as between landlord and tenant?—Yes, no doubt, unless made to take effect from the termination of existing leases.

4363. I understand you to say that that would probably lead to a revaluation or a readjustment of rent?—I think that is most likely.

4364. Your opinion, as I understand it, was, that a revaluation or a readjustment would generally, for the most part, lead to an increase of rent?—I should say so.

4365. Is it your opinion that, if an arrangement of that kind took place, in making a fresh arrangement the landlord would take care to put on as much more in the shape of rent as the tenant was likely to pay during his tenancy in the shape of increased rates?—I do not accept that principle of the landlord being able to put on anything arbitrarily in the shape of rent; I think it is a question purely of competition, or demand and supply; but I think where that competition was sufficient to enable him to do so, he could undoubtedly recoup himself for all that he would suffer in that way.

4366. Local taxation, I think you said, had increased a great deal more in England than in Scotland?—So I understand.

4367. You also mentioned that rents, generally speaking, are lower in England than in Scotland?—With regard to the increase of rents, it happens that I am able to speak with some knowledge with reference to the three countries. On looking into the Irish question, I thought it necessary to get some information upon that point. During the last seven years the rise of rent in England, as shown by the Income Tax Returns, has been 7 per cent. over the whole country; the rise of rents in Scotland during the same period has been 8 per cent., and the rise of rent in Ireland, I believe, during the last seven years, is not quite 5 per cent.

4368. Do you think that the very fact of local taxation having so much increased in England beyond what it has in Scotland, may, to a certain extent, be some reason for the increase of the rents in Scotland rather more than has been the case in England?—I think that the increase of rent in England was much longer of beginning, as it were, and that they had probably a greater space over which to travel, and therefore I apprehend that we may see a greater increase of rents during the next few years in England than in Scotland.

4369. The Right honourable Chairman asked you whether you considered that the profits of

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farmers had increased in the same proportion as the increase of local taxation; are you of that opinion?—I have no sufficient data to answer the question.

4370. Even admitting that they have increased, or, at all events, that land has increased in value, do not you consider that that in a great measure may be accounted for by the vast sums of personal property which have been of late years invested in land, in building new farmhouses, in drainage, and reclaiming land, and so on?—No doubt to a great extent that is so.

4371. Do you consider that the profits of farming have so much increased of late years: take Scotland, with which you are more conversant; there are a great many corn rents in Scotland, are there not?—Yes.

4372. That used to be the general system of letting in Scotland, used it not?—Yes, pretty general in some localities, but I think it has fallen very much into disfavour of late years.

4373. But speaking as it is now; corn is about 40 *s.*, and you can recollect it about 100 *s.*?—Yes.

4374. That certainly has not added to the increase of the profits of the farmer?—Certainly not; I should say that at present farmers are making but a poor living of it.

4375. What would you consider a fair per centage for a farmer to make as profits upon his capital?—I should say probably 10 per cent.; I think farmers would look for that as a trade profit.

4376. We had it in evidence the other day from a very able and practical farmer, that in no two years had he ever made 10 per cent. profit upon his outlay of capital; do you agree with that statement, as far as you know?—It is quite impossible for me to say what he may do.

4377. Do you think that a fair statement?—I daresay if you take 10 per cent. as a clear profit, without making any account of the advantage of living rent free in your house, and other matters of that kind, very few farmers probably do make that as the average; I think you must take everything into account in order to make that out.

4378. *Chairman.*] You mean that you would take into consideration his living and his house, and so on, as a portion of his profits?—Yes, certainly, that should form part of the 10 per cent.; I think that it may be fairly reckoned that that would be part of the 10 per cent.

4379. Mr. *Pell.*] You would give credit in the farm ledger for house rent?—Yes.

4380. Sir *Massey Lopes.*] Is it your opinion, that 10 per cent. would be a very fair average for a tenant to make over a series of years, including his house and his living?—I think that with a tenant like any other trader, a great deal will depend upon his good sense, his good management, his intelligence, his command of capital, and his activity; you may get one man who would make 15 per cent., and another who on the same farm would not make five.

4381. You think there is no rule in the matter; that it must very much depend in the first place, upon his having a good farm; in the second place, on his having made a fair bargain with his landlord, and thirdly, on his having plenty of industry, intelligence, and capital to carry it on?—Yes.

4382. Mr. *St. Aubyn.*] Would you say, as a general rule, that it would be the man's own own fault if he did not make 10 per cent.?—I do not say that; it may very often be the landlord's fault.

4383. Sir *Massey Lopes.*] Do you think that high rates have a more injurious effect upon poor land than upon good land?—No doubt.

4384. Do you think that high rates act as a great discouragement to the improvement of poor land, and to the investment of capital in the cultivation of that land?—I do not think that it much matters, because if the rates are high the rent must be proportionately low.

4385. But is there not some poor land that scarcely leaves a margin for cultivation of any kind at all?—I should think in that case it is not occupied by anybody.

4386. But take a very low class of land that may afford to pay the expenses of cultivation; but yet nevertheless that could not afford to pay any rent?—Then it is not worth the landlord's while to let it; he would probably plant trees upon it.

4387. If it is cultivated it pays rates; but it does not pay rates when it is not in hand?—Then it would be unwise of any landlord to reclaim it.

4388. I ask you if it is not a great discouragement to the laying out of money in reclaiming that land?—Because the land is naturally so poor that it would not pay for reclaiming; it seems to me that that is rather the point, for it cannot be desirable to encourage the outlay of money on supposed improvements which, by the hypothesis put, cannot pay.

4389. I think you said that there was a good deal of land in Ireland during the time of the famine, where the rates were so high that the landlords could not get any rent at all?—Yes, but that was very fine land.

4390. In Scotland, I think, you mentioned that you had a re-valuation at certain periods?—New assessments which are based upon the real rent.

4391. In England, I dare say, you know that we have a re-valuation every three years?—Yes.

4392. A man takes a farm in Scotland for the ordinary period of 19 or 21 years, and he gets no revaluation for his rates during that period?—No, because his assessment is upon his actual rent.

4393. It is very different in England, as every third year all farms are revalued, and if a man expends, we will say, 1,000 *l.* of personal property upon his land in reclaiming or improving it, he is immediately rated upon that expenditure, whereas, in the case of a man in Scotland, who has 19 years' lease, and who chooses to invest any amount of personal property in improving his estate, he pays nothing more in the shape of local taxation during the whole of his holding?—No; but he has taken his farm on consideration of his having a lease for a period of years, and he pays, probably, a proportionately higher rent, and thus, during the whole period of that lease, he will be assessed at a corresponding increase of value.

4394. But it is not altered during that time?—No. It would discourage a tenant's expenditure very much if his rates were immediately increased on account of it.

4395. But do you think it just in this country, that where a man invests a large amount of money in the improvement of his farm, immediately that sum of money is sunk in his estate, he should be taxed so many per cent. for it?—I should not like it, certainly. I think it unwise and impolitic. That was one great objection to the old system of drawing tithes in England, and tithes were commuted to avoid it.

Mr. HENRY ARTHUR HUNT was called in; and further Examined.

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4396. *Chairman.*] WHEN you were examined before, you gave the Committee some evidence with regard to the value of property in London and elsewhere, and you stated broadly your view that rates practically came out of the pockets of the owners?—Yes.

4397. And, consequently, that high or low rating entered considerably into the question of what rent could be got for a house?—Yes.

4398. You also dealt with the question of ground-rents, and you gave instances to the Committee of houses in various parts of the metropolis, such as in Bloomsbury-square, on the one hand, and in the West End, on the other, and showed that the ground-rent in one place was much higher than in the other, in consequence of the advantages of situation?—Yes.

4399. You further stated to the Committee that while, on the one hand, the geographical situation of certain houses increased the ground-rents, the heavier taxation in other localities would decrease the ground-rents?—Yes.

4400. That in any new arrangements the interest out of which the increased taxation would primarily come, would be the ground rent?—Yes.

4401. You also gave the Committee two instances; could you repeat those instances?—The instances to which I referred, in my previous examination, were in the parish of St. Luke, Chelsea, and the parish of St. George, Hanover-square: one side of Lowndes-square being in St. Luke's, Chelsea, and the other in St. George's, Hanover-square; the rates in one parish are very high compared with the rates in the other, and of course the value of property, so situated, all other things being equal, must be less in the parish of St. Luke than it would be in St. George.

4402. Sir *William Tite.*] With regard to the case of Lowndes-square, do you know the nature of the assessment in those two parishes?—No; I do not.

4403. You do not know that Chelsea not only has a very much heavier rating, but rates to the extreme value of the property?—I think it is very likely.

4404. Do you know what is done in that respect in St. George's, Hanover-square?—St. George's, Hanover-square, has been very unequally assessed up to the present time. I lived in St. George's, Hanover-square, 20 years ago, in a house that was then worth 230 *l.* a year, and it was rated at 80 *l.*; I moved into another part of the same parish, where I now live, and the house was not then of so high a rental value, but it was rated at 180 *l.*; there was great inequality in the rating of St. George's, Hanover-square; but that has been to a great extent recently remedied by a re-valuation.

4405. You have had great experience; do you imagine that the assessment, the basis of rating, is it all equally distributed throughout London?—I think it is not.

4406. In some cases where there is a system of apparent favouritism, it does not so much matter as it does in the case of Chelsea, where an enormous amount is raised for a very poor parish, and is collected from the whole population?—No doubt there has been great inequality of assessment throughout the metropolis, and a considerable want of principle in assessing the value of property, arising chiefly from the persons who have had to do with the assessment. Persons to assess property properly, should be skilled persons unbiassed by local prejudices, and having simply a professional duty to perform; that has not hitherto, as far as I know, been the case in many parishes in London; it has been done by a deputation, or a committee of the ratepayers, or a committee of the vestry, or some other persons not competent to judge what the true value of the property is. Under the Parochial Assessment Act, reductions are made for repairs and a variety of other things which are right enough in the East end of London, but in St. George's, Hanover-square, the rateable value ought, I think, to be the rent which could be obtained on lease for a term of 21 years, the lessee taking upon himself all repairs and other outgoings. I do not know whether the Act of Parliament of last Session alters the state of things in that respect, but I believe it does.

4407. Do you know what has been done in the City of London actually by the Assessment Committee?—No, I do not.

4408. Do you know whether they are advised by any professional man at all?—I think Mr. Hudson, a competent surveyor, has advised the City.

4409. With regard to those rates falling upon the ground landlord, you do not mean that to apply to the case where a house has been built, and absolutely let upon a long lease?—No; that I endeavoured to explain to the Committee the last time I was here. There was, in fact, generally speaking, two owners, namely, the owner of the land and the building owner. The man who took a lease of the land upon which to build a house at that time calculated, or ought to have calculated, what the rates and taxes on the house he proposed to build would be, and he would then see what ground rent he could afford to give for the house. The landlord, looking to his own interest, perfectly well knows that he could not get a higher rent if he kept his land, and therefore he lets him have it at that price. Subsequently, if the rates and taxes are raised, the building owner would have to bear them, but if they are diminished, the building owner would get the benefit; so also the building owner would get the benefit if the house from any cause increased in value. Suppose it was anticipated that the house proposed to be built would let for 60 *l.* a year, subject to rates and taxes, and from circumstances it increased in value to the extent of 80 *l.* a year, the ground landlord would get no benefit out of that increase; consequently the man who takes a building lease takes his chance whether the property will improve or diminish in value, or whether the rates will increase or diminish.

4410. You do not mean broadly to state, as it appears to have been understood, that the rate and taxes fall upon the landlord where the land has changed hands, and a house has been built and capital embarked in a variety of ways; all your arguments appear at the present moment to apply to a man taking a speculation to cover land, and going on with that speculation?—Yes, precisely so.

4411. Take the case of a house in Lowndes-square; the original ground rent to Mr. Lowndes was 7 *l.* 10 *s.*, and the ground rent to Mr. Cubitt, who built the house, from the man who occu-

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pies the house at the present moment, is about 60 *l.*?—Yes.

4412. I apprehend that you do not mean to say that the rating falls upon either the one or the other of those gentlemen?—Certainly not; the man who occupies has a lease for 70 or 80 years, and has contracted to pay all outgoings; but at the end of that term the outgoings will fall upon the freeholder of the house; in other words, upon the land.

4413. If it is let on a very long lease, 60 or 70 years, it would be postponed to that extent?—Yes, bearing in mind always this, that where a man has parted with his land for a lease of 99 years, he parts with it for better or for worse, and you cannot without altering the law of the land alter the existing contract between the parties, because if at the time the land was granted upon a building lease, the rates were 5 *s.* in the pound, and they ultimately go up to 7 *s.*, you could not fairly ask the ground landlord to pay a portion of the additional 2 *s.*, unless you also gave him a corresponding advantage by a diminution of those rates; and in such a case there would be a constant balancing of accounts between the building owner, and the owner of the land.

4414. Therefore those rates would fall upon the owner, just in proportion to the value of the holding between him and his under tenant; if he has let it for the whole of his term, that would not affect him?—No, not the ground landlord.

4415. If he had let it for 40 years, it would affect him very distantly, but if he had let it for five or seven years, it would very soon fall upon him?—Yes.

4416. *Chairman.*] The rate in the parish in which Lowndes-square is situated at the time when the ground rent was first settled, would have been taken into consideration, would it not, in fixing that ground rent?—No doubt.

4417. So that you would hold that as regards the ground rent, so much of the rates as existed at the time when the contract was made, comes out of the pocket of the ground landlord, the balance of course being paid by other interests?—Certainly.

4418. Those other interests being affected in the same way, that so much of the rates would come out of the owner's pocket as existed when he let his house, the balance during the lease of the house being paid again by the occupier?—Yes, or an equivalent in diminution.

4419. Your theory being, that at the time of every contract, whether between a ground landlord and a builder, or between the builder who has got the house and the occupier who is willing to take it, the amount of rates is taken into consideration, and goes in diminution of the first ground rent when that contract is made, or else in diminution of the rent for the house when that contract is made?—Clearly: that is to say, a house agreed to be let for 21 years at a 100 *l.* a year, the rates and taxes being represented by 20 *l.* a year, the lessee practically pays 120 *l.* a year rent, or which may be called rent and taxes; if the rates and taxes reach 25 *l.* a year, he in point of fact is paying 5 *l.* a year more than he expected to pay; and if they fall 5 *l.*, he gets off for 115 *l.* instead of 120 *l.*, because my proposition is that if there were no rates and taxes, no local taxation, and no burdens, the house would have let for 120 *l.* a year.

4420. You do not admit that, except during the course of the tenancy the occupiers bear any portion of the local taxation?—No, that is clearly the proposition which I ventured to put forward; I can illustrate it in this way: a large proportion of the houses in the City of London, occupied by merchants, brokers, and others, are let out by the freeholder or by the beneficial leaseholder at yearly rents, the landlord paying the rates and taxes, the tenant knowing that there are rates and taxes upon the property, but he does not inquire what they are, because he does not pay them; he pays the rent, and he would pay the same rent if there were no rates and taxes.

4421. We have had evidence given us to-day, that in the opinion of one of the witnesses, the tenants do not take the amount of rates which they pay into account in the same way as they do the amount of rent; is that your experience?—It is not my experience; I think every sensible man would inquire; those who come to me for advice as to purchasing a house ask what the rates and taxes are, and what they are likely to reach. A man who is about to take a house at 50 *l.* or 60 *l.* a year, or even lower than that, makes a point of ascertaining what the rates and taxes will amount to.

4422. Have any of your clients that come to you for advice as regards the value of houses, raised the question as to the amount of land tax in the parish?—Unquestionably. No doubt the land tax is a deduction from the value of the land, and whether it is called land tax, or whether it is called a tax in the shape of poor's rates, it is the same thing.

4423. Sir *William Tite.*] But in point of fact the land tax in the City of London proper, is a very important element, and a very heavy charge?—Yes.

4424. Whereas, take the parish of St. Pancras, or the parish of Chelsea, it is nothing at all; the proportion of the land tax goes for nothing?—Precisely so; it is well known by surveyors that the first thing a prudent man does, if he is about to improve his property, is to redeem the land tax before the tax is assessed upon the higher rental value. For instance, suppose you were going to lay out a tract of land for building purposes, the first thing you would ask is, what is the land tax upon it, and you would forthwith redeem it, as you can do according to law, before you put any property upon it.

4425. I asked a question of the witness who came before you, whether he knew the practice of the great corporations in London, as to letting property, whether they do not exact by covenant with great vigour the net rent, and that all taxes should be paid by the tenant; are you aware whether that is the case?—That is so.

4426. The effect therefore of increased taxation would reach those tenants by means of a re-arrangement of rent; as long as the rent remained under the covenants of a lease of an ordinary length it would not reach them, but it would eventually reach them?—No doubt.

4427. It must come in fact out of the rent?—It comes out of the property, and when the property is in the hands of the freeholder, or in the hands of the leaseholder, it comes out of the leaseholder's pocket over and above what it was when the lease was granted, and ultimately it comes out of the freeholder's pocket.

4428. However, in the main, in London, as far as your experience goes, of course with all the poorer class of houses, the rates are paid by the landlord, whether let by the week, the month, or the year?—Yes.

4429. In

4429. In the main you admit that the holding in London is very much of that character?—Yes, the rates and taxes of poor houses are paid by the landlord.

4430. But in the better class of houses, they are paid by the tenants?—Yes.

4431. But, whether by the one or the other, you mean to argue that it has the same effect upon the value of the property?—Yes. Suppose I have houses in the East end of London, being the freeholder in possession, and I let them at 9 *s.* a-week, and pay the rates and taxes, if there were no rates and taxes I should still get the 9 *s.* a-week; therefore all that I pay in rates and taxes comes off the 9 *s.* a-week, and falls upon the land.

4432. If, perforce, by Act of Parliament, half the rate were at once to fall upon the landlord, would there be any difficulty, in your mind, in adjusting that question as between landlord and tenant, by some machinery?—I do not think that any machinery could be invented that would meet such a case as that.

4433. You mean that it would interfere with so many bargains?—Yes, it would interfere with so many bargains, and it would give rise to so many of the questions that I put just now. Suppose, for instance, the Chancellor of the Exchequer took off the house duty, it would have to be adjusted between the landlord and the tenant, provided the landlord is to bear any part of the local burdens.

4434. However, you mean that there would be great difficulty in inventing machinery that would adjust matters in the case of such opposition?—I think there would be very great difficulty.

4435. *Chairman.*] Supposing the house duty were abolished, who would have the advantage of the reduction, the occupier or the owner?—The occupier would for the duration of his lease, but the owner eventually.

4436. All houses above 20 *l.* are subject to house duty now, but where they are let out in apartments to occupiers, would the occupiers get any proportion of the relief?—Not a halfpenny.

4437. Would not the fact of the taxation on house property being decreased, make it easier for a builder to build where the ground-rent is low, seeing that the charge bears only a small proportion to the cost of building?—If you were to take off the local taxation altogether, my view is that the owner of the land would put it upon the price of the land, and the occupier would get no benefit by it. The way I put it is this: suppose an owner of land builds a house and lets it from year to year, or lets it upon an agreement for three years; he gets the best rent he can; and if the tenant pays a rent of 40 *l.* a year, and the taxes are 10 *l.* a year, the landlord gets only 40 *l.* for his house, whereas if the taxes were taken off, as I said just now, he would get 50 *l.*

4438. Let me put this case: how low, in some portions of the metropolis, would you consider the proportion of the ground-rent to be to the aggregate rent; is it ever as low as one-tenth?—I cannot call to mind any particular instances.

4439. Would the ground-rent be as low occasionally as 6 *l.* in a house that would let at 60 *l.*?—That must depend entirely upon a variety of circumstances. You may let ground at 6 *l.* a year, and the house may realise more than was anticipated, so that you cannot draw any particular line as to the proportion.

4440. Assuming, as is the case in very poor neighbourhoods, that the ground rent bears a proportion of one-tenth to the total rent, if that were so, and the local taxation amounted to 20 per cent. of the rack rent, and the whole ground rent was only 10 per cent. of the rack rent, then it would be clear that the ground rent could not bear the whole of the taxation?—No, it could not.

4441. And therefore the balance of that taxation would have to fall upon the builder?—In that case it would.

4442. May we, therefore, take this exception to your general rule, that where the ground rent is exceedingly low, and the taxation is exceedingly high, a portion of the taxation would fall upon the builder?—In that extreme case it would, no doubt.

4443. But are you able to state the proportion which the ground rent bears to the rack rent in the east end of London?—It varies very considerably, so that you cannot lay down any specific rule.

4444. In the country districts, I presume, the proportion is not very high?—In the country districts (I am speaking now of within a radius of seven miles of St. Paul's Cathedral), I should think the ground rent is about one-fifth or one-sixth of the rack value.

4445. Would this represent fairly your view that so long as there is any ground rent that ground rent bears, in the readjustment of agreements, the whole of the taxation, and where the taxation exceeds the ground rent, then it falls upon the builder?—Yes, in those extreme cases.

4446. Mr. *Gregory.*] The rent of a house stands at what practically is the rent of the house, plus rates and taxes?—Yes.

4447. If you were purchasing a leasehold house, you would calculate the amount of rates and taxes as an element on which that purchase was to be made?—Certainly.

4448. With respect to ground rent, most of the leases upon which ground rents are reserved are leases for 99 years, are they not?—Yes.

4449. When a man parts with the possession of that, all that he contemplates is a certain ground rent which he reserves from it?—Yes.

4450. The reversion is inappreciable at that period, and for a good many years afterwards?—Quite so.

4451. We have heard a good deal of the addition to the value of property by means of the metropolitan improvements; but in a long lease of that kind, the reversioner being the one who is to enjoy the addition to the value, his reversion is useless to him?—Yes.

4452. Does not the question of rate vary very considerably; the value of the property at that period elapses?—Yes, quite so.

4453. With regard to the reversioner, as the period approximates so does his liability to this increased taxation become more apparent?—Yes; and in the meanwhile the owner of the leasehold has had all the benefit arising from those metropolitan improvements.

4454. Because he can increase his annual rent?—Yes, certainly.

4455. Mr. *Seely.*] You said just now that in certain extreme cases the rates would fall upon the builder; but, on the other hand, he would not build in that particular district unless he got the same profit that he would in another district?—It is an extreme case that the Right honourable Chairman put, where the ground rent was so small and the rates and taxes so high, that the builder, in point of fact, could not realise the same

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same interest for his money upon the expenditure of his bricks and mortar as he would have a right to expect; in point of fact, to give him a fair interest upon his outlay, he ought not to pay any ground rent at all; and that is the reason why small houses cannot be built. If you take a house that cost 120*l.* to build, and the builder expects to get 10 per cent. for his money, that is, 12*l.* a year, add to that 20 or 25 per cent. for rates and taxes, which is equivalent to 15*l.* a year; that is what the ultimate cost would be if he wants to let it; 12*l.* for the interest of his money, and 3*l.* for rates and taxes; you would let that house for 6*s.* a week, and that would be 15*l.* a year. He has to pay no ground rent, and he cannot afford to pay any if he is to have a fair interest for his money.

4456. I presume he will not build unless he gets a fair interest for his money?—No.

4457. Would it not be the case that where the rates and taxes are increased the ground rent would fall until, as the rates went on increasing, the ground rent would cease; and if they continued increasing, the building would cease from the fact that the builder would lose his money, and he would give over building?—Certainly, it would not be worth his while to build; he would not get any interest for his money.

4458. You did not quite accurately express what you meant when you said, in reply to the Chairman, that there were instances where the builder paid the rates and taxes?—I mean an equivalent.

4459. *Chairman.*] Did you not mean this, that as between the owner of the land and the owner of the house, the rate will fall upon the owner of the land; but that if the ground rent is not equivalent to the whole of the rates, that the balance will fall upon the builder?—Yes, but that would be in diminution of the interest of his capital.

4460. And therefore, it would tend to diminish the supply of houses?—Unquestionably; because it would not be worth his while to build.

4461. And therefore, the other rents would more or less rise in consequence in the neighbourhood, because of the stoppage of the supply of new houses?—The stopping of the supply of that class of houses.

4462. Mr. *Rathbone.*] That would tend to raise the rents, would it not?—Unquestionably it would tend to increase the demand for accommodation in houses, and hence the crowding which takes place in the houses that are already built, such as putting three or four people in one room. The only way to remedy that is instead of building houses for a labourer who gets 16*s.* a week, he must be content to live in barracks, or houses built in flats and let at low rents.

4463. *Chairman.*] Then notwithstanding your view that the owners of land ultimately pay all the rates, it is conceivable that in certain districts where the class of property is very low, and where ground rents are low, and where taxation is high, that taxation may rather interfere with the supply of dwellings for the working classes?—Yes, of houses of that class.

4464. Mr. *Rathbone.*] And thereby increase the rent that is to be paid by that class?—Increase the rent of the houses which that class would occupy in the absence of other houses that would be built.

4465. And thereby the taxation comes out of the pocket of the occupier in that case?—To that extent it does, because the supply does not keep pace with the demand, but simply on that ground.

4466. Mr. *Seely.*] You say that the rents are raised by the rates, because it causes the houses to cease being built; do you really think that the people who own houses do not, as a rule for that class of houses, always get as high a rent as they can?—Yes, always.

4467. As a matter of fact, the owners of that class of small houses always will get as high a rent as they possibly can?—Of course they will.

4468. Do the occupiers of those houses always try to pay as small a rent as possible?—Yes.

4469. They can very easily shift their dwellings; it is very little trouble for them to move from one house to another?—There is some inconvenience and some trouble to them unquestionably.

4470. The lower the rent of a house the less trouble it is proportionately for a man to move; one house is as good for a poor man as another?—Yes, but of course there is trouble and expense to a poor man to move his chairs and tables, and all that kind of thing.

4471. Then a poor man lives in a particular district because it is convenient for his work, does it not?—I suppose so.

4472. And the landlord gets as much as he possibly can?—Yes.

4473. How can any rates and taxes fall upon the poor man?—According to my contention they do not.

4474. But in reply to the Honourable Member for Liverpool, you said that the rates did fall upon the occupier?—I said in that extreme case which the Chairman put.

4475. If the landlord always gets as high a rent as he can, and the tenant always pays as small a rent as he can, how possibly can the rate fall upon the tenant?—It falls upon him in the shape of rent.

4476. But if the rate had not existed, the landlord would have got more money in the shape of rent?—He gets the same, because the landlord pays the rates and taxes; if no new houses are built, and the population increases, and the increased population is put into the existing houses, of course the rents would go up.

4477. Mr. *Pell.*] Practically, in London, there are two persons receiving a rent for the same hereditament; that is to say, the person who owns the land, and indeed the house, and has let his land out at a certain period for building on, and there is also the person who built upon that land who receives another rent?—Yes.

4478. We will call that second person the house-owner or builder; the rent that he receives from the person who inhabits the house, includes, I suppose, the rent which he has paid to the owner of the land, that is, if he is a good man of business?—Yes.

4479. Passing from that to the point of view that the parish would take of it, the party that would make assessment, the assessment that is made with respect to that hereditament is upon the rent, or upon the value of the hereditament after the builder has put his bricks and mortar on it?—Yes, what it will let for.

4480. And I suppose therefore that includes the ground rent?—Certainly.

4481. Could you as a valuer make a separate assessment for the ground rent, unless you made an equivalent reduction from the assessment as it would stand in the rate-book at present?—You must divide it.

4482. Supposing

4482. Supposing you proceeded to assess the owner of the land, you would have to take off something from the assessment of the house-owner as it is now?—Yes, equivalent to the rent which he has paid for it.

4483. Do you consider that at present the ground rent is assessed to the poor-rate?—Yes.

4484. A good deal has been said with regard to who ultimately pays those rates, and a very extreme case has been put to you by the Chairman, but still not an impossible one, that the rates might be so high that really they might pass into a form that never could have been considered at the time the land was let by the landlord, and therefore really they do fall, if they are to be paid at all, upon the person who occupies the house?—Or upon the man who built the house.

4485. All we can say of that is, I suppose, that the builder made a very bad bargain?—That is all that can be said of it.

4486. If he had known that such a contingency would happen, he never would have given any ground rent at all?—Quite so.

4487. Mr. *Rathbone.*] You rather assumed, I think, in fact you stated it broadly, that a man fixed the price that he would give for his house, and that that price was divided between the ground landlord and the rackrent owner; can a man always fix the price that he will give for his house; does not he often give a great deal more than he likes or intends to give for it?—Yes.

4488. In the case of a working man, if he has to pay a higher price for a house, he would have to live more poorly, or go further off from his work?—Yes; the rents are fixed by the parties themselves, according to their ability to pay. A workman, for instance, pays 9*s.* or 7*s.* a week; if he cannot afford that, he must go into other places in which he can get accommodation for 5*s.* a week. The rents are regulated by the demand, and by the ability of the various classes of society to pay the rents.

4489. You stated that the case put by the Chairman was an extreme case?—Quite an extreme case.

4490. I confess that my experience would rather go to the contrary; but, to a certain extent, does not what the Chairman put arise in every case in which the population has increased beyond the supply of houses to meet its wants, and where, therefore, that population has to induce fresh capital to come in and fresh houses to be built?—According to my experience, houses have always been provided where the population has increased and the demand has increased.

4491. But, to induce those houses to be built, a certain rate of net rent, free of taxation, has to be paid to the builders of those houses?—Yes, certainly.

4492. When fresh houses are required to be built, is not the occupier who requires those fresh houses to be built obliged to pay an amount of rent and rates together which will leave a net rent to the builder sufficient to allow those houses to be built?—Certainly.

4493. Therefore if they are obliged to pay that greater fixed rent, and if those taxes are increased, the most of that money must come out of their pockets?—That does not follow at all, because the increased taxation may be such as to prevent the landlord getting a higher rent, proportionate to that increase.

4494. Then he would not build houses according to that principle?—That is a very extreme case; whereas I put to the honourable Member the case where the rents were so low, that unless you build them in flats, or in barracks, you cannot build separate houses for persons at rent so low, but you may build them in blocks.

4495. Excuse me, I understood you to admit that when occupiers wanted fresh houses to be built, they must pay for the building of those houses a net rent sufficient to repay them for that investment?—Quite so, and I say that still.

4496. Then if that is the case the amount that the occupier would have to pay for rent and taxes together, must be sufficiently large to admit of that net rent; and if the taxes are increased, and his net rent is a fixed sum, which he must pay of course, that increased taxation will come out of the occupier's pocket?—But the occupier would not pay it; he would say, "I cannot afford to pay it; I think the man has made a bad bargain."

4497. I am speaking of before houses are built, to induce the houses to be built; most clearly the rents of that district must rise to such a rate as will repay a man the net sum, must they not?—Yes.

4498. If rents rise, the people who pay the rents must pay then?—Yes, of course they do if they can afford to pay them; if they can live in the houses they pay the rents; but there are cases where it is not worth while for a man to build a house, because he cannot get any fair return for his money.

4499. *Chairman.*] In such a case they must take it out of some other item of expenditure?—Yes; they must live in a house of less dimensions or become lodgers.

4500. Therefore although this increased taxation may not raise the rents because a man cannot pay more, he may have to pay more by the reduced comfort or inconveniences to which he is subjected?—Yes; or go into lodgings and not have a house.

4501. That affects the dwelling of the people, and to a certain extent it might affect their mode of life?—Yes.

4502. Sir *H. Williamson.*] Do you agree with Sir John Thwaites about the metropolitan improvement rate, that it would be right that the Bethnal Green people should pay their share of their metropolitan rate; I mean for the construction of the Thames Embankment, to be raised partly from the owners, and partly from the occupiers?—They benefit by it indirectly, I suppose.

4503. But very indirectly?—Yes, very indirectly certainly.

4504. And they ought not in fairness to pay the same share as people who would benefit more directly?—I think in fairness that may be so; in fact, the metropolitan improvements have been partially paid out of the wine and coal duties, which seems to me to be a legitimate source from which to draw the money for such projects.

Friday, 6th May 1870.

MEMBERS PRESENT:

Mr. Acland.	Sir Massey Lopes.
Mr. Backhouse.	Mr. Pell.
Mr. Birley.	Mr. Rathbone.
Colonel Brise.	Mr. St. Aubyn.
Mr. Corrance.	Mr. Charles Seely, jun.
Mr. Fielden.	Mr. William Henry Smith.
Mr. Goschen.	Mr. Walter.
Mr. George Gregory.	Mr. Wheelhouse.
Sir James Lawrence.	Sir Hedworth Williamson.

THE RIGHT HONOURABLE GEORGE JOACHIM GOSCHEN, IN THE CHAIR.

Mr. JOHN HAYWARD, was called in; and Examined.

Mr. *J. Hayward.* 6 May 1870.

4505. *Chairman.*] YOU are Clerk to the Commissioners of Sewers for the district near Dartford?—From Lombard's Wall to Gravesend Bridge.

4506. Could you state to the Committee the constitution of that Commission?—It is by a Commission issued by the Crown, and they act under this Commission and under the Laws of Sewers from the time of Henry the Eighth, and the different Acts since that period.

4507. Is the Commission issued by the Lord Chancellor?—It comes from Chancery.

4508. What is the date of your Commission?—The 27th of July 1861.

4509-10. Could you read to the Committee the leading paragraphs as to the duties of the Commissioners, and as to their rating powers?—It is first directed to certain specified persons who are constituted Commissioners under it. It says, "Greeting. Know ye, that forasmuch as the walls, ditches, banks, gutters, sewers, gates, calcies, bridges, streams, and other defences by the coasts of the sea and marsh grounds lying and being within the limits extending from Lombard's Wall to Gravesend Bridge, in our county of Kent, or in the borders or confines of the same, by rage of the sea flowing and re-flowing, and by means of the trenches of freshwaters descending and having course by divers ways to the sea, be so dirupt, lacerate and broken, and also the common passages for ships, ballangers, and boats in the rivers, streams, and other floods within the said limits, or in the borders or confines of the same by means of setting up, erecting, and making of streams, mills, bridges, ponds, fish-garths, mill-dams, locks, hibbing wears, locks and floodgates, or other like letts, impediments, or annoyances, be letted and interrupted, so that great and inestimable damage for default of reparation of the said walls, ditches, banks, fences, sewers, gates, gutters, calcies, bridges, and streams; and also by means of setting up, erecting, making, and enlarging of the said fish-garths, mill dams, locks, hebbing wears, locks, floodgates, and other like annoyances in times past hath happened, and yet is to be feared that far greater hurt, loss, and damage is like to ensue unless that speedy remedy be provided in that behalf: We therefore, for that by reason of our dignity and prerogative Royal, we be bound to provide for the safety and preservation of our realm of England, willing that speedy remedy be had in the premises, have assigned you our justices to carry into execution within the said limits the powers and provisions of 'The Land Drainage Act, 1861;'" and then they assign them powers to perform all that is necessary for keeping up those works, but especially the Thames Embankment.

4511. Who are the Commissioners?—They begin with the Lord Lieutenant of the county, the Earl of Romney, the Earl of Darnley, Viscount Sydney, the Lord Bishop of Rochester, Lord Wynford, Lord Tredegar, the late Sir Thomas Wilson, Sir Percyvall Dyke, Sir Joseph Hawley, Sir Lyon Goldsmid, Sir Frederick Currie, the Bailiff of Romney Marsh, the Expenditors of five Waterings, Mr. Urquhart Arbuthnot, Mr. Henry Hulse Berens, Mr. Richard Benyon Berens, Mr. Frederick Barne, Mr. Robert Bradford, Mr. James Chapman, Mr. William Greenwood Chapman, and a great many others. There are altogether, I think, nearly 100, and those comprise all the owners of land in the district, and the magistrates.

4512. When you say that it comprises all the owners, is it a selection of owners, or is it every freeholder in the district?—No, it is not that; I am not quite correct in saying perhaps every owner, because there are some small owners that are not on the commission, but it comprises all the principal owners and others that are not owners who are specified.

4513. Are they all justices?—No, not all.

4514. According to your knowledge of the matter, is it an arbitrary selection of the Lord Chancellor's?—He generally takes the list forwarded by the acting Commissioners, but it is arbitrary, no doubt.

4515. When you say that the list is forwarded by the acting Commissioners, do they change from year to year?—No, but there are generally a certain number; for instance, many of those noblemen that I have mentioned never come near the place, but those round about and in the district attend.

4516. He

4516. He takes the list of the acting Commissioners; but in 1861, when this Commission was appointed, how was the selection made?—This has gone on ever since the time of Henry the Eighth; it is only a renewal.

4517. It was only a renewal in 1861?—No, only a renewal.

4518. But a Commission has existed for that neighbourhood for a very much longer time?—Yes, since the time of Henry the Eighth.

4519. What was the Commission which was issued in 1861?—The Commission before that expiring, which they all do in 10 years, there was a new Commission appointed.

4520. Does this Commission expire in 10 years?—No, since the last Act, the Act of the year before last, they are made perpetual, and they do not expire.

4321. As a matter of fact, those Commissioners are simply nominees?—Yes.

4522. Does the law require them to be interested in the district?—It requires a qualification of about 100 *l.* a year freehold in the district.

4523. Does the Commission grant any rating powers, or do they get their rating powers under the Act?—The Commission authorises them to levy rates in the district for the purposes of the Commission. I may say that their duties are, "To survey the walls, streams, ditches, banks, gutters," and so forth; "and the same cause to be made, corrected, repaired, amended, put down, or reformed as the case shall require, after your wisdoms and discretions. And therein, as well to ordain and do after the form, tenor and effect of all and singular the statutes and ordinances made before the first day of March, in the 23rd year of the late King Henry the 8th, touching the premises or any of them, as also to inquire, by the oaths of the honest and lawful men of our said county, place or places, where such defaults or annoyances be (as well within liberties as without) by whom the truth may the rather be known through whose defaults the said hurts and damages have happened, and who hath or holdeth any lands or tenements or common of pasture or profit of fishing, or hath or may have any hurt, loss or disadvantage by any manner of means in the said places as well near to the said dangers, letts and impediments so inhabiting or dwelling thereabouts, by the said walls, ditches, banks, gutters, gates, sewers, trenches and other the said impediments and annoyances; and all those persons and every of them to tax, assess, charge, distrain, and punish as well within the metes, limits and bounds of old time accustomed or otherwise or elsewhere within our realm of England, after the quantity of their lands, tenements, and rents by the number of acres and perches after the rate of every person's portion, tenure, or profit, or after the quantity of their common of pasture or profit of fishing or other commodities there, by such ways and means and in such manner and form as you shall see most convenient to be ordained and done for redress and reformation to be had in the premises."

4524. Sir *J. Lawrence.*] Did I rightly gather that they are to tax profits of fishings?—Yes, "common of pasture or profit of fishing." I may say that that has never been done in this district.

4525. *Chairman.*] Will you state to the Committee, not in technical language, but practically, how you levy the rates?—We levy a wallscot, which is an acreage scot every year. Within this district there are 17 different levels from Lombard's Wall at Charlton, near Woolwich, to Gravesend Bridge, which is practically in the parish of Northfleet; that is a distance of about 25 miles. There are 17 different levels varying in acreage, and varying, of course, in position, and the wallscot in respect of each also varying in amount.

4526. How do you levy your rates?—The Commissioners once in the year before making the rate, make a personal survey of each level; six Commissioners are required to make a personal survey, attended by our surveyor and the clerk, and they take an account of the repairs that are necessary for keeping up the Thames Embankment, and for the maintenance of the common sewers in those levels. Having done that, they meet afterwards and take those estimates into account, and then they arrive at a certain sum for each level, and then they issue a warrant for the collection of that amount.

4527. Upon whom do they levy the rate?—Upon the owner.

4528. Do they serve the notice upon the owner?—Yes.

4529. Not upon the occupier?—This is the form of levy: "We whose hands and seals are hereunto subscribed and set, being justices and Commissioners of Sewers for our Sovereign Lady the Queen," for such-and-such limits, "to Charles Beadle, and to all and every the owners and occupiers of marsh lands lying within Wheatley Level, in the parish of Erith"; and the sum of 2 *l.* 9 *s.* 6 *d.* it would appear this year is directed to be paid at a certain place on the 1st of December, and notice of that is affixed on the church door, and that the collector will attend in the porch (that is the old form) on a certain day; and that is the only notice that is given, beyond the subsequent demand which is made practically through the occupier, I have no doubt.

4530. Is there any appeal against the rate?—To the Commissioners there is, not elsewhere; at least, not as to the amount.

4531. They must pay what the Commissioners impose upon them?—Yes.

4532. Is there any rate in the pound beyond which you cannot go?—No, it is unlimited.

4533. The theory, I presume, is that they are the owners in the district, and that they are taxing themselves?—Yes.

4534. But there is no legal requirement enacting that all the owners are to be represented?—No.

4535. And the number of the Commissioners is left entirely open?—Yes, quite so.

4536. What is the highest rate in the pound, that you have levied in any of your levels?—Twenty shillings per acre in Stone Little Level last year, and they have been very much higher. There are 40 acres in Stone Little.

4537. Probably an acre itself would not be worth more to rent?—The average rental there is 40 *s.* per acre, the tenant paying the scot.

4538. Therefore he would have to pay 40 *s.* for his rent, and 20 *s.* for his wallscot?—Yes.

4539. That is for one particular year, I presume?—Yes; the average throughout the whole district is about 10 *s.* per acre annually.

4540. That represents, in fact, the cost for the maintaining of the defences against inundations and so forth?—Yes, and the common sewers for taking

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taking off what was originally called the superfluous water.

4541. What are the common sewers?—They are the sewers that run through the different levels, some sewers taking in one or two levels, and they take off the water from the uplands.

4542. Are the Committee to understand that the main duties performed by those commissioners have nothing to do with what we generally call the sewering of towns?—No, nothing.

4543. They have simply to deal with the protection against the inundations of the sea or the river and waters?—Yes; and carrying off the waters which come down from the uplands into the marshes, which is a very material thing.

4544. When you say that it is charged upon the owner, does the owner make an arrangement that it shall be paid by the occupier?—It varies in practice; in some cases the tenants take the land, paying the wallscot, and, in other cases, they take it, the landlord paying the scot.

4545. Do they give notice to you as to who is going to pay it?—No.

4546. Then do you go to the owner in all cases?—No; we go to the occupier, practically, because the owner lives away. We go to the occupier, and he pays the scot, and we do not know how that is dealt with afterwards.

4547. But have you legally got a remedy against the occupier?—Only so far that we can distrain upon the land in whosesoever occupation it is.

4548. Is that under the power of the Commission, or under the powers of an Act of Parliament?—We have power to distrain under the commission, and also under the Act.

4549. You would distrain upon the land?—Yes; we do upon the land.

4550. You could not, I presume, go to the personal goods of the occupier?—Not off the land.

4551. Can you go personally against the owner?—Yes; we can go against the owner's goods anywhere in England.

4552. It is a debt due to you from the owner, but you have the security of the land as against the occupier too?—It is on the land, and it would affect the occupier. This, practically, would be the case. Suppose the scot were in arrear; a distress warrant would be issued to the collector to levy the amount, and he would go upon the land, and whatever stock he found there he could take.

4553. Has the occupier got a legal remedy against the owner for recovering it?—I should think he would have, if the owner had agreed to pay the wallscot, but that would be a private arrangement amongst themselves.

4554. But you have no legal remedy against the occupier, except so far as you find stock of his upon the land of the owner?—Quite so.

4555. Will you read the paragraph in the Commission bearing upon that point?—This is the form of the warrant: "We, the said commissioners of sewers, do by these indented presents or warrants of commission, ordain and decree that every owner and owners of the marsh lands lying and being within the said level shall at or upon the 1st day of December next ensuing, the date of these indented presents or warrants of commission in the church porch of the parish aforesaid, between the hours of 8 and 11 of the clock in the forenoon, and two and five of the afternoon of the same day, pay and deliver into the hands and custody of the aforesaid Charles Beadle or his lawful deputy" (he is the collector); "which said Charles Beadle we do by these indented presents or warrants of commission ordain, make, and appoint to be collector and expenditor of the said level, for every acre of marsh land lying within the said level whereof he, she, or they, on the 14th day of November 1866, was, where, are, or to be owner or owners, the sum of 1*s.* 6*d.*, of lawful money of England for his, her, or their tax or scot, over and above all other sum and sums before the date of these indented presents, by virtue of the above-named commission, have been legally taxed or assessed on the marsh lands lying and being within the said level or levy. And if upon the said 1st day of December and between the afore-limited hours, at the aforesaid place, default be made in payment of the said monies so taxed and assessed, within three days next after the afore-limited 1st day of December, or at any time after, during the continuance of these indented presents or warrants of commission, to distrain the goods and chattels of all and every the owner or owners so making default or upon their lands, in whose occupation soever they be lying within the said level, or elsewhere, within the said county of Kent."

4556. Does it say that you can seize the stock belonging to the occupier?—That would be an incident that the law of distress would give you.

4557. Have you ever had any case where you have proceeded to distrain?—Yes.

4558. And have you distrained against the goods of the occupier within your recollection?—We have taken the stock that was then upon the land; it has not been frequent, but I have known it done.

4559. Mr. *Pell.*] Was the occupier a separate person from the owner in that case?—We did not inquire as to the ownership of the stock at all, but we found it there, and we took it.

4560. *Chairman.*] Do you happen to remember whether the stock was sold to pay the rate, or whether it was released upon payment?—I remember one instance where it was sold, but I think only one.

4561. You do not trouble yourself as to whether it belongs to the owner or to the occupier; you only know what the general law is, and not the arrangements between the owner and the occupier for the payment of this wallscot?—Precisely; we know nothing really on that subject.

4562. Can you state to the Committee what is the annual average amount that you raise?—£. 4,851; the scot levied is about 2,000 *l.* for the whole of the levels; then that would be, as I stated, about 10*s.* per acre.

4563. Has that rate been 10*s.* in your neighbourhood for a long time?—Yes, it has for some years; I remember it very much higher, but I am speaking of many years ago.

4564. How long have you been connected with the Commission?—More than 40 years.

4565. And within that time it has been generally a matter of 10*s.* in the pound, or higher?—Yes, but very seldom higher; sometimes it would be higher, when there is a new sluice to be put in, or any extraordinary works.

4566. Can you state the rate per acre in the various levels?—Yes, in Crabtree Level 2*s.* 6*d.* an acre, Cornmarsh 17*s.* an acre, Church Level 3*s.* 6*d.*, Abbey 8*s.* 6*d.*, Great Breach 6*s.*, Green 10*s.*,

10 *s.*, West Marsh 10 *s.*, Crayford 10 *s.* 6 *d.*, Stone Great 10 *s.* 6 *d.*, Stone Little 20 *s.*, Dartford Salt 8 *s.*, Dartfort Fresh 10 *s.* 6 *d.*, Swanscombe 12 *s.*, Northfleet 5 *s.*, Wheatley 5 *s.*

4567. How do you arrange your levels; is it arbitrary with the commissioners to divide the whole district?—There is the power, but the levels never have been varied since I have been connected with the Commission.

4568. The variety of those rates arises, does it not, from the difference in the amount of work which has to be done upon those different levels?—Yes; and the number of acres; they vary very much in level, and also from this circumstance materially, where the levels front the Thames. One level has a very much larger frontage of the Thames Embankment than another, and those are the heavy levels.

4569. Would the Commission have power to throw all those 17 levels into one, and to levy one rate over the whole?—I think there would be the power if there were proper reasons for doing it.

4570. Supposing they did so, and there were improper reasons, would the owners have any appeal?—I think they might then remove the proceedings into the Court of Queen's Bench.

4571. But would it be within their full lawful authority to do it?—I think it is within their legal authority, but I think that they would be bound to exercise discretion, because those lands in the different levels no doubt have changed ownership from time to time upon the calculation of the average amount of scot.

4572. Will you state to the Committee what system there is for auditing the accounts?—There is a separate account kept for each level, and once a year the levels being credited with the scot received, and vouchers given for the expenditure for the levels, they are audited by a public auditor, who is, in this case, Mr. Arnold, the auditor for the West Kent poor law district.

4573. Is it compulsory upon the commissioners of sewers to employ a public auditor?—No.

4574. Do you happen to know whether it is universal with other commissions?—I do not know, but I rather think not, because we have only done so for the last year or two.

4575. Before that last year or two, what was the audit?—The audit then was by the commissioners at an annual meeting after the works had been done.

4576. The commissioners auditing their own accounts?—Yes.

4577. You are not bound, you say, to employ an auditor; can you legally apply the funds to the payment of an auditor?—We have thought so; there is power to appoint officers generally.

4578. Are the commissioners of sewers responsible to anybody at all?—They would, like other public bodies, be responsible for arbitrary acts, I apprehend, but they would not be personally liable if they took due and proper caution.

4579. What I mean is, that they are supreme as far as their acts are concerned; they do not stand under the Home Office?—No.

4580. And there is no public department that can overhaul them?—No, except the Court of Queen's Bench, by the removal of the accounts there. Supposing they were to attempt to levy a rate for an illegal purpose, then the accounts might be removed into the Court of Queen's Bench, and they would get the rate quashed if they were not justified.

4581. Have they power to appoint officers without any limit as to expenditure?—Yes.

4582. But they have no control over their accounts, except so far as they choose to appoint an auditor of their own free-will?—No, except as I said, the Court of Queen's Bench might interfere.

4583. But the Court of Queen's Bench could not compel them to appoint an auditor, I presume?—No, I apprehend not; but I mean, supposing they made any illegal outlay, they might be controlled then by the Court of Queen's Bench.

4584. So soon as they go beyond their powers, they would of course be amenable to the law like anyone else?—Yes.

4585. But so far as their powers go they are supreme?—Yes.

4586. And their rating powers are perfectly uncontrolled by law?—Yes.

4587. Can you give evidence about any other part of England as regards these commissioners of sewers, except Kent?—No, I cannot.

4588. Do you know whether the proceedings are similar in Kent generally to what they are elsewhere?—Not the mode of proceeding; that is not, I think.

4589. There is no general code drawn up for the various commissioners of sewers?—No.

4590. I presume that you act by tradition?—With regard to repairs, when I came there, and just prior to that, there was a different system in force; the repairs were surveyed by a jury on every occasion every year. A jury of 24 used to present the works that they deemed necessary, and so forth. The commission thought that that was not a desirable course, as the jury were composed of the trades-persons in the neighbourhood, and they then dispensed with the jury, except upon the commencement of each commission, when the jury make a presentment finding what lands are liable to scot, and the owners and occupiers in respect of those lands. That is now the only resort that there is to a jury, except upon extraordinary occasions. You will remember the explosion in the Erith Marshes a few years ago, when there was a very large additional outlay; then it was deemed expedient that a jury should be summoned to state upon whom that outlay ought to fall; because, although the breaking away of a part of the wall occurred only in one level, yet if the water had come in it would have gone over a very much larger district than was comprised in that level; and the commissioners were advised by the then law officers of the Crown that they should make a presentation as to the owners of the portions of the land that either did avoid damage or received benefit from the works that were then done, and the scot then was levied, not on the specific level in which the injury occurred, but over a very much larger proportion of land, and then there was a presentation by a jury.

4591. That proves that where the case warranted, the commissioners are not bound to keep to any special system of rating according to geographical limits?—Precisely so; that is what I intended rather to convey to you, that on extraordinary occasions they would do so; but they would not be justified, I think, in capriciously varying the levels.

4592. The appointment of commissioners themselves is an honorary appointment, is it not?—Yes.

4593. What is the staff?—There is a clerk, a surveyor,

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surveyor, and the collectors of the scot, who are termed expenditors, but they are really collectors.

4594. You make a return, do you not, to the Home Office, once a year, of your expenditure?—Yes.

4595. I see by that that your salaries and the management cost about 350 *l.*?—That is so.

4596. And you expend 1,350 *l.* for ordinary works and maintenance?—It is rather more; but it might have been a year when there was little laid out, but I have the amount for the year 1869.

4597. What is the amount in that year?—It would be 2,300 *l.*, including the salaries and expenses.

4598. Does that include the new works and improvements?—There are no new works.

4599. I see in the Local Taxation Returns, you return your expenditure under four columns; "for ordinary works and maintenance," "for new works and improvements," "salaries and management," and "other expenditure;" have you the figures before you of those four columns for 1868?—No.

4600. Will you state if you can to the Committee the expenditure of 1869?—The expenditure of 1869 will amount to 2,300 *l.* as near as may be, and of that there is about 350 *l.* for expenses of management.

4601. Where do the commissioners meet?—Dartford is the place for the general meeting; but in making the first survey, they walk from Erith to Charlton. The second survey is from Erith to Deptford, which takes the small level, the Crayford Level, and then they walk from Dartford down to Northfleet.

4602. Are there a certain number of commissioners who every year perform the duties, or is it left very much to the surveyor?—Very much the same officers attend. There must be six to survey, and there are generally seven or eight.

4603. But a very large number of the hundred do not attend at all?—Precisely so.

4604. Will you state under what Acts of Parliament you act?—There is the Act of Henry VIII., and there is the Sewers Act, 3 & 4 Will. 4, c. 22, and then there is the Drainage Act of 1861.

4605. Is it a fact in your district, as it is in some others, that a difference is made in the mode of levying the rate for permanent works, and for the current expenditure?—No, the same system is pursued.

4606. How do those varying Acts apply to you?—The 3 & 4 Will. 4, varies the mode of proceeding in some respects.

4607. Can you state any particular variation in the law that is made by the 3 & 4 Will. 4?—No, it was for the purpose of giving greater facilities for carrying out the Act; there was no change in substance. Then the Act of 1861, as you are aware, had more reference to the drainage of land for agricultural purposes.

4608. Does that Act affect you?—It would if it had been adopted, but it never has been adopted in this district; the land is very well drained.

4609. Did the Drainage Act of 1861 render your Commission permanent?—No, it was an Act passed, I think, the year before last, which enacted that it should not be necessary to apply for a renewal of those commissions at the expiration of 10 years, but that they should go on.

4610. Will you state to the Committee, when a commissioner dies, how his successor is appointed?—There is not immediately any appointment; but when the attendance becomes few, then, by petition, other names can be sent up to be included in the commission.

4611. Practically it is a self-elected body, so far as the commissioners send up a name, and the Lord Chancellor generally adopts that name?—Yes; I have never known any variation in the name.

4612. Sir *J. Lawrence.*] You refer to the great differences in the rates paid by the different levels, and I think I gathered from you that that arose very much from the smallness of the area of some of the levels?—Yes; Charlton Level is 152 acres, Crab Tree 153, Corn Marsh 358, Church 271, Abbey Level 991, Great Breach Level 610; and the others vary considerably in extent.

4613. Do you see any reason why the adjoining level should not be thrown in when the rate is made, in order that the burden might be thrown more lightly over the whole district which is benefited?—The reason would be this: suppose that you have land in a level that had always been charged, on the average, 3*s.* 6*d.* per acre, you would not like it to be put into a level which would immediately become chargeable to 1*l.* I think the reason originally was this, that the levels were taken in many years ago from time to time, and the river frontage is very disproportionate in some of the levels.

4614. You have stated that the commissioners took that into consideration in one instance; but does not it frequently happen that, when there is an irruption of the river and the land is damaged, if it is immediately repaired the adjoining level is benefited likewise?—That has never occurred, except on the occasion of the explosion at Erith, and then we took the opinion of the law officers of the Crown, who were of opinion that it was an extraordinary event that was not attributable to any negligence or accident, and that therefore the ordinary repairs did not extend to a case of that extent, and that it should be spread over a larger area; just the area that was spared any damage by the work that was done. In that case the landowners did, I know, practically bear the additional outlay, and even in those instances where the tenant had to pay the scot, yet practically the landlords felt it to be an extraordinary case and bore the outlay.

4615. Mr. *Seely.*] Are the owners and the occupiers who pay those rates quite satisfied with the constitution of the body?—We have had them before us on several occasions, and I think they are generally satisfied and do not wish alterations. It has been a question with the commissioners whether it would not be beneficial to raise a larger sum of money under the borrowing powers of the Sewers Act, and do more efficiently at once the repairs, and we have summoned the owners on several occasions to get their consent to do it, but they have never given it.

4616. I am not speaking of their satisfaction with any particular act of the commissioners, but with the general constitution of the board?—We have never had any complaint on that score.

4617. Sir *H. Williamson.*] Have you borrowed any money on the security of your rates?—No.

4618. Have you always money in hand?—Except whatever may be in the treasurer's hands.

4619. Supposing

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4619. Supposing that those ratepayers were aggrieved, or thought themselves aggrieved with what they might think was want of duty on your part, would you go to a court of law?—Yes.

4620. Supposing those ratepayers persuaded the jury that they were right, how would they get compensation?—If the commissioners had exceeded their duty and authority they would be personally liable no doubt; otherwise, if they act within the limits of their power, they would not be.

4621. Mr. *Birley.*] Do the commissioners substantially proceed now under the Act of Henry VIII.?—Yes.

4622. With hardly any variation?—They do substantially proceed under that Act.

4623. Do you always collect the whole rate, or have you defaulters?—No, never; we have no defaulters.

4624. You spoke of the acreage; how do you reckon the acreage; you have a lineal measure by the bank of the river, but how deep do you go?—The limit is a limit that has existed from time immemorial. We have a plan of the whole level.

4625. In the time of Henry VIII. was a plan made of the district?—I do not know that.

4626. However, some time or other a plan has been made of the district, and the tax is levied upon the land which was then declared to be subject to the tax?—Yes, the map upon which we act now was made about 50 years ago.

4627. Mr. *Smith.*] You spoke of the maintenance of bridges; do you maintain the bridges within the limits of the level where any of those limits would fall upon the county?—No, we do not maintain the bridges. It is mentioned in the commission in general terms, because the commission is issued in different districts throughout England, but we have not a single bridge.

4628. Do not the drains of which you spoke, that carry off the water from the high land, generally benefit the lands beyond the limits of the level?—Yes, very much no doubt.

4629. And that land does not in anyway contribute?—No, it does not.

4630. So that a defective or imperfect discharge of their duties would be a serious injury to the land adjacent to the level?—No doubt. I may mention that of late years they have kept the common-sewer ditches deeper, and whenever they have put in a new sluice they have put it deeper, and that has had the effect of very much more effectually draining, not only the lands within the district, but the lands outside the district, and I think now that the whole district is very well drained.

4631. The result is that, at the expense of the limited area of the levels, the adjoining property has been very considerably increased in value?—Yes, it has, no doubt. The whole district has really been benefited, because, comparing that district now with what I remember of it 40 years ago, ague has almost entirely disappeared, and that improvement in health would benefit the upland, particularly for building purposes.

4632. Mr. *Walter.*] When you proposed to borrow money for the purpose of making permanent works, which should have the effect of reducing the rate, to what extent do you think those rates will be reduced by the construction of such works?—I cannot quite accurately answer your question, but it would be a very material reduction.

4633. Did you propose to throw the annual charge of that loan equally on the levels, or in rateable proportion to the amount they pay at present?—We should have taken, I have no doubt, the rateable proportion to what they pay now.

4634. But they objected to that rate?—Yes; they objected to raising the present amount.

4635. By what consideration is the size of the various levels determined; is it by engineering, or by what means?—They have always been continued the same.

4636. By what were they originally determined?—I can only conjecture that, because we have no account of the origin of the levels. They must have been taken in from the river, from time to time; one level, and then another, and so they assumed their present size.

4637. There was no reference to either any engineering difficulties or to the cost of maintaining the works upon those levels?—Not at all. That is indicated by the fact that there were counter-walls throughout this district; that is, one level would be surrounded by a wall, and another by another. The commissioners having now given great attention to the repair of the Thames Embankment, those counter-walls have been allowed to sink and disappear in a great extent as unnecessary; but, evidently, they were originally the protection of that particular level.

4638. They were inclosures, in fact?—Yes.

Mr. JAMES GRANT, called in; and Examined.

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4639. *Chairman.*] YOU are Clerk to the Guardians of the Lancaster Union, are you not?—I am.

4640. Have you held any other parochial or public offices of any kind?—I am clerk to the assessment committee of the same union, and the superintendent registrar.

4641. Have you been brought into contact at all with municipal affairs?—I have held no office in connection with municipal affairs; but having held office so many years, 30 years, I have given considerable attention to the question of rating generally.

4642. You are acquainted, more or less, are you not, with the rating, both as regards the poor rate and the borough rate?—To some extent.

4643. Has not Lancaster also a local board?—It has.

4644. Have you a general district rate levied in Lancaster?—Yes.

4645. Is there a public water supply rate?—There is.

4646. Perhaps you will be able to state to the Committee the various rates levied at present in Lancaster?—In the first place there is the poor rate, which would average probably 1 *s.* 4 *d.* in the pound, and perhaps a little more. Then there is the general district rate, under the Public Health Act and the Local Government Act; and in the case of houses and buildings of above 5 *l.* rateable value, that rate has been 2 *s.* in the pound for the last seven years. Under a Local Act, the 5th of George 4, cap. 26,

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houses under 5 *l.* rateable value enjoyed exemption from rating for certain purposes. That exemption was continued by the subsequent General Acts. Such houses pay only 8 *d.* in the pound, and that is for severage and water works.

4647. Are there any other rates?—The land and the railways are only charged upon one-fourth of their rateable value, at 1 *s.* 8 *d.* in the pound, being exempt from the lighting rate, which is 4 *d.* in the borough of Lancaster.

4648. That lighting rate being included in the 2 *s.* which you mentioned before?—Yes, it is; there is no borough rate; the corporation do not levy a borough rate; they have property of their own, and consequently the whole of the rates are levied by the board of health; there has not been a borough rate for a number of years.

4649. They have power to levy a borough rate, I presume?—Of course, and they did so formerly, but they have not required to do so for some time.

4650. Do you remember how long ago they levied a borough rate?—I think it must have been some 20 years ago; I cannot speak with certainty.

4651. Soon after their constitution possibly?—It was levied by the corporation, not by the board of health, that is to say, the council of the borough.

4652. Have they levied a borough rate under the Municipal Corporation Act of 1834?—Yes, they have since 1835; but it must be 20 years, I think, speaking from impression, since a borough rate was levied.

4653. Do you know whether they had power to levy a borough rate previous to that under the Local Act?—Yes; under the Act of the 5 Geo. 4, they were called then commissioners; the corporation did not lay that rate, but the body of commissioners; any person, in fact, who was an owner or an occupier of property of a certain amount, was eligible to be a commissioner, and that body was superseded by the adoption of the Public Health Act.

4654. Am I right in supposing that there are two rates which could be levied at Lancaster quite separately; there is the power of the General Board of Health to levy a general district rate, and which is actually levied, and there is also power to the corporation, if their own funds do not suffice, to levy a borough rate?—I believe that is so under the Corporation Acts.

4655. If they levied that borough rate the exemption would not, I presume, hold good as regards the houses below 5 *l.*?—I think not, but I do not speak with certainty, for I have not applied my mind to it. I must explain that I came here very hastily, not having been prepared at all. I have a general knowledge and information upon these points, but I have not prepared it specially.

4656. What other rates are there besides those which you have enumerated?—No other rates in the township of Lancaster.

4657. Is there not a public water supply rate?—That is, so far as the rate is concerned, included in the general district rate. There is a charge for water rents which people take or not as they choose; I have a table here showing the charge for water supply, but that is rather a charge for the use of the commodity.

4658. I see in the returns made by the local board that they separate the general district rate from the public water supply rate, but you have no knowledge upon the subject; in collecting them they collect them together, do they not?—No, there are separate collectors; the general district rate is levied upon all property in the manner that I speak of, but the water rent is only charged to the persons who actually use the water; it is very generally used, because the people have applied for it.

4659. But how is it with regard to the rate put on originally for building the waterworks of the town?—That is included in the general district rate, and is part of the 2 *s.* that I speak of.

4660. Could you say how much it is of the 2 *s.*?—I do not know that, but it goes in liquidation of the debt; the waterworks have been very prosperous.

4661. How are the police paid in Lancaster?—By a watch committee, consisting of members of the corporation.

4662. And the expense is supplied, is it, out of the property of the corporation?—Yes, except such proportion as the Government allows.

4663. Do you happen to know what the receipts of the corporation are, more or less?—They have an income from property, tolls markets, and other sources of about 1,700 *l.* or 1,800 *l.*, exclusive of the Government allowance for the police.

4664. Have they any property in land?—They have part property in land and in houses, and they advanced a large sum on loan to the Board of Health for their works.

4665. I presume that their property arises from the rents of houses and of land?—It is so chiefly.

4666. The lighting and paving is managed, is it not, by the local board?—It is.

4667. But the police is managed by the corporation?—The persons are the same; the borough and the local board district and the township of Lancaster are co-extensive.

4668. Is the corporation the local board?—It is so.

4669. Are their officers the same?—There is the town clerk, who acts as clerk to the corporation; they have another person for the clerk to the board of health, and they have a person who collects the water rents, and a person who collects the general district rate; the board of health have also a surveyor.

4670. But though they are identically the same persons, they act under different Acts of Parliament?—They do.

4671. And they keep, I presume, entirely separate accounts?—They do.

4672. The two administrations, so to speak, are entirely distinct?—It is so; the clerk to the board of health is accountant to the corporation, but I may observe that the meetings are at the same time, and when the corporation meeting is ended they resolve themselves into a board of health, and then transact the business of the board of health.

4673. Can you see any possible object in keeping the two bodies distinct in that way?—None whatever.

4674. Have you ever heard of instances of their duties at all clashing; has there been any doubt as to what duties attach to the one, and what duties attach to the other?—I do not remember anything of that kind having occurred but it has often appeared very puzzling to me although I am so well acquainted with the details of their administration. They seem to me to be mixed up together in such a manner that one can hardly understand how they stand; the town clerk

is the solicitor to the local board of health, and that seems to amalgamate the duties even still more.

4675. As far as you are aware, have they a separate treasurer?—I believe not.

4676. Do they keep separate balances of their funds at the bank?—I should think they do.

4677. Are you acquainted with the system of audit in the two cases?—Yes; there are two auditors appointed annually, nominally by the burgesses, and they receive two guineas each, but the burgesses have never exercised their votes upon the appointments.

4678. They are not professional auditors?—No, not at all; I was once appointed auditor myself some years ago; it is a common practice for two gentlemen to be appointed, and to give the fee to a local charity; in fact, the audit is very much inferior to the poor law audit, and to the audit of the board of health in another part of the union under the poor law district auditor.

4679. Is it an amateur audit?—It is quite so.

4680. How long does it take to audit the accounts?—I cannot say; it depends upon the conscience of the individual appointed: in some cases I dare say it is not a very long affair.

4681. It is not what you might call a skilled audit at all, is it?—It is not by any means what you would call a skilled professional audit; in fact, the legality of the charges I should say is very little gone into.

4682. The vouchers are looked at and compared, are they not?—Yes, I should think so.

4683. But it is not at all minutely conducted?—I should think by no means, generally speaking; but it is a great many years since I had any connection with it.

4684. But the local board of health is under a different system of audit, I presume?—The accounts are not audited by a professional auditor.

4685. Are you positive upon that?—Yes.

4686. If they come under the Public Health Act there is a general audit?—As I understand, under the Public Health Act, the accounts of the board of health, where the board of health is not the corporation of the borough, are audited by the poor law district auditor; but in a case like Lancaster they are audited by persons appointed to audit the corporation accounts.

4687. The distinction is this, that where the local board is an independent body, and is simply a local board, there the audit is a professional audit?—That is so.

4688. But where the same body is a corporation, the corporation having been exempted from a public audit, that exemption is extended to their new duties?—I have no doubt that is so.

4689. Are you acquainted with the relations of the borough to the county as regards lunatic asylums?—The borough of Lancaster is associated with the county asylum in the same manner as any other township which has not a separate lunatic asylum; it contributes in the same manner to the expenses of the asylum as any other township of the union, not in the borough, contributes.

4690. Is there a separate rate for the lunatic asylum, or does the borough of Lancaster pay county rate?—The borough of Lancaster pays county rate in respect of the lunatic asylum expenses for its buildings and so forth, and as regards the paupers' maintenance it pays through the union.

4691. But as regards the building, it contributes to the county rate?—Yes, just in the same manner as the others.

4692. But it does not contribute to the other portion of the county rate, which is for the other general county purposes?—With regard to most of the items it does. It does not contribute, for instance, to the police and some items of that kind; but as to most of the items it does.

4693. Does it contribute to the bridges?—No.

4694. Have you a separate quarter sessions?—Not for the borough of Lancaster; it is in the hundred of Lonsdale. There are only four boroughs in the county of Lancaster having a separate quarter sessions.

4695. An account, I presume, is made up as to what charges have to be borne in part by the borough of Lancaster, and it pays in that proportion to the county rate?—I have the accounts for the county of Lancaster for the last year, and they show the total expenditure for the various purposes, whence the money was obtained, and the rate in the pound upon each division of the county in respect of each of the different purposes set forth in the headings.

4696. Can you state generally to the Committee the various divisions that there are in the county on which the rate falls in different proportions?—There are 18 what are called police districts; and there are four boroughs, namely, Bolton, Liverpool, Manchester, and Wigan, in addition, that have separate courts of quarter sessions. There are also several boroughs which have not separate quarter sessions that do not contribute to some of the county rate items charged upon the other parts of the police district in which they are locally situated.

4697. Of those 18 police districts, is Lancaster one?—No; it is in the hundred of Lonsdale, south of the sands, and it contributes in a certain manner to the expenses of the county for various purposes, but it has a separate police of its own. They are called police districts for the purpose of classification, but it contributes to the general purposes of the county rate. For instance, lunatic asylums, lunatic asylums loan account, and the gaols, and the Preston and Kirkdale Houses of Correction, in addition to other matters.

4698. Then the borough of Lancaster contributes to all those purposes?—Yes.

4699. Can you state the purposes to which it does not contribute?—The police, the hundred and county bridges, the chairman of the Salford sessions, the Salford Gaol, and the Manchester assize courts.

4700. With regard to the chairman of the Salford sessions, do you call him a charge?—Yes; his salary forms a separate item in the accounts.

4701. Could you explain what that means?—He receives a salary which is debited to the police districts in the Salford Hundred.

4702. But Lancaster does not pay towards his salary?—No; no part of the union pays to it.

4703. It would appear, would it not, that there are a variety of areas in the county of Lancaster for rating purposes?—That is so. There are about 35 for county rate purposes, the rates in each case being dissimilar.

4704. In the first instance you have 18 districts and four boroughs; will you state in what relation the districts stand to the hundreds; do the districts overlap with the hundreds, or does a

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hundred contain so many districts?—I think the hundreds are generally divided into so many districts; it is so in the case of the hundred that I belong to. The hundred of Lonsdale is divided into north and south, and I should say that that is the case with all the six hundreds in the county.

4705. For what purposes is the Lonsdale hundred divided into north and south?—For police purposes; I believe that is the only purpose.

4706. Then the hundred is divided into north and south for police purposes, but the borough of Lancaster does not belong to either?—Not for police purposes.

4707. Then it does not belong to it for those purposes for which the hundred has been divided into north and south?—No.

4708. In all those 18 districts does the county rate vary?—Yes, it generally does; the hundred of Lonsdale South, in which my union is situated, has a rate of something under 4*d.*, including the whole of the items of the county rate, and in some parts, for instance Kirkdale, it is about 7*d.*

4709. I understand that the 4*d.* includes every part of the county rate?—Yes, it does.

4710. Therefore, if the borough of Lancaster does not contribute towards the county police and some other items, the county rate paid by the borough of Lancaster would be less than 4*d.*?—Yes, it would on that account.

4711. Can you state what is the rate in the pound for the county rate in the borough or township of Lancaster?—There is 1½*d.* for police in Lonsdale South, and one-sixth of a penny for general police, and both in that and the other parts of the hundred the rate for the hundred bridges is three-sixteenths of a penny, and for county bridges one-thirty-second; I do not think that there are any other items charged upon our hundred that it does not contribute to.

4712. So that your county rate would be about 2*d.*?—Certainly.

4713. What representation has the borough of Lancaster in the administration of the lunatic asylum to which it contributes?—None whatever; in fact there is no representation. The lunatic asylums are managed by a committee of visitors appointed by the justices of the county.

4714. The borough would have a right, would it not, to one or two members?—No, there is a separate bench of magistrates for the borough. The county magistrates have now also jurisdiction in the borough, although they do not act, but the borough magistrates have no connection with the lunatic asylum whatever, that ever I heard of. They certainly do not act in any way; they do not attend the quarter sessions or act as visitors.

4715. You say that the county magistrates have jurisdiction in the borough, though they do not act?—I understand so.

4716. That is to say, there has been no occasion on which they have acted to your knowledge?—I think not; the same person is clerk for both; several of the county magistrates are also borough magistrates, but I do not think they have ever acted, except in their capacity as borough magistrates.

4717. The corporation have power over the police, have they not?—Yes; they appoint the watch committee, who manage the police entirely.

4718. Is the county rate paid out of the poor rate?—It is.

4719. Do I rightly understand you that yours is a township, not a union?—It is a union with 24 townships; the borough of Lancaster being one.

4720. Do you mean that the borough of Lancaster is one township?—Yes.

4721. But your union is much larger?—Yes, it comprises 24 townships.

4722. Is there any other rate paid out of the poor rate besides the county rate?—The overseers of Lancaster pay a contribution to the cemetery board of Lancaster. A call is made by the burial board annually, and the overseers pay it out of the proceeds of the poor rate.

4723. Will you state to the Committee the nature of the burial board?—A burial board was appointed under Acts that were passed a few years ago, and a cemetery was established for the township of Lancaster; the expenses of the burial board are paid partly by receipts from persons who inter and purchase graves, and the deficiency in their expenses is made up by a call upon the overseers of Lancaster, which they are required to pay, and do pay out of the poor rates

4724. Is that a public Act or a private Act?—It is a public Act under the General Burial Acts.

4725. How is that burial board constituted?—It is appointed by the ratepayers in vestry meeting; I remember being present at the first appointment of members of the burial board, but since that I think it has generally been managed altogether by themselves; when a vacancy occurs, I dare say they have nominated a member, and appointed anyone they thought right; it is done at a vestry meeting.

4726. Is it a numerous board?—I think there are about six or eight appointed from different denominations of professing Christians in the town of Lancaster.

4727. Have they the power to levy a rate?—No, they do not levy a rate; they make an order on the overseers of Lancaster for the payment to them of a certain sum.

4728. They have the power, I think you say, of making a charge upon the overseer?—Yes; the town clerk is clerk to the burial board.

4729. But not in his capacity as town clerk?—Not at all; he is an attorney, and he is appointed clerk to the board.

4730. The call is paid out of the poor rate in the township of Lancaster, but not in any other part of the union; is that so?—There is not a cemetery established in any other part of the union; but if interments take place from any other township, the fees are larger than to the residents in the township of Lancaster.

4731. So that that covers the difference between the charge for interment, and the money which is supplied by the rate?—Yes; and we think sometimes a little more than that; the vicar gets a larger fee from townships in the parish of Lancaster.

4732. Are we to understand that the area of the burial board is the same as that of the township of Lancaster?—That is so.

4733. There is no overlapping there?—No, no overlapping whatever.

4734. You have stated that the bulk of the county rate expenditure is paid out of the poor-rate; are there any other sums which are paid over by the overseer to the county authorities from the board of guardians?—There is a small sum paid by the overseers of the township of Lancaster to the vicar of Lancaster in respect of tithe commutation under a Local Tithe Commutation

tion Act; it is only a very small item, and it is supposed to be in respect of the houses.

4735. Is your general district rate levied separately from the poor rate?—Yes, it has no connection with it.

4736. Practically, are the same men appointed as collectors?—No, there are separate collectors; the board of health have two collectors, one for water rents, and another for the general district rate, and the township of Lancaster has a collector also under the 59 Geo. 3.

4737. How often do you collect the poor-rate in the year?—In Lancaster the rate has generally been what would extend over nine months or so, lately, but the poor rate has very greatly decreased; I have known it 4 *s.* in the pound in Lancaster.

4738. You make a distinction between Lancaster and the union generally; is the poor rate not levied in the township of Lancaster in the same way as it is levied in all the other townships?—Yes, but it is not quite the same amount; there is always a little more loss in collection. Section 4 of the Act of last year, charging the owners, is adopted there in respect of tenements of 8 *l.* and under, and it has been adopted in some other townships of the union; in those cases the owner has a deduction of 15 per cent.

4739. As regards collection from the occupiers, has your mind ever been turned to the point of taxing the owner either with the occupier, or instead of the occupier?—Yes, I have thought on the subject.

4740. Have you considered the matter as regards the county-rate, or as regards the poor rate, or as regards the general district rate?—My attention has been especially turned to the question of the poor rate, with which I am particularly familiar.

4741. Has your attention also been drawn to the question of the county rate?—To some extent.

4742. Has there been any discussion in your union generally with reference to the administration of the county rate?—There has been a general feeling that there ought to be some representation of the ratepayers in the administration of the county funds. I remember being sent by my board to a meeting at Newton (I think it must be now somewhere above 20 years ago) on that point, and from that time to the present there has been a general disposition on the part of the thinking ratepayers, and those who attend to such matters, to have a representation in the expenditure of the county rate.

4743. Have they been dissatisfied with the expenditure of the county funds, or was it more a theoretical objection to the constitution of the county board?—Occasionally I have heard a remark of dissatisfaction, but not to any great extent: theoretically, perhaps, there have been many, but from my knowledge of the county affairs of Lancaster there has been very much more attention given to the management of the financial business generally, than I have observed in some other parts. The magistrates are most diligent and energetic, and attentive, and the presenting of their accounts in the public manner which they do, exhibits clearly to the ratepayers the real state of facts.

4744. I do not gather that you think that there is any real grievance as regards illegitimate or injudicious expenditure by the county justices?—I have heard the remark made in certain cases, that if there were a representation of the ratepayers, certain items would not have been incurred, and it would have been more satisfactory to the ratepayers generally.

4745. Could you state to the Committee what kind of items your remarks apply to?—I have heard remarks that the Lancaster Lunatic Asylum has been a very costly affair, that it has been supposed to cost more money than the ratepayers think it ought to have done; I do not say that that is my view.

4746. Do the ratepayers believe that they pay the county rate themselves?—I do not think there is very much attention given to that particular question, except by persons like myself, who do think on these matters; I have heard some persons express an opinion one way and some the other.

4747. What is your opinion as to who pays it; does the owner or the occupier really pay?—My view generally speaking is, that in the case of houses the occupier bears the rate, and in the case of land the owner sustains the burden.

4748. Will you state the ground why you make that distinction?—I have made a note on that subject to this effect: in the case of houses the tenant sustains the burden of the rate. Houses, unlike land, may be multiplied to any extent; the supply depends upon the demand, and capital will not be invested in houses to be let, except the rents received are likely to yield what is considered to be a fair rate of interest after all outgoings. The owner is supposed to receive a fair interest at present, the occupier paying the rates. If the owner had to pay the rates, or part of them, the interest upon his capital would be reduced by the sum that he paid, and the investment of capital in the building of houses to let would cease until the rents rose, so as to pay a fair interest, and thus eventually the rate would again fall upon the occupier in the shape of increased rent.

4749. That is to say, until the building had taken place?—When the building had taken place, of course the occupier would pay it again in the shape of increased rent.

4750. Would not the fact of the increase of houses, which you assume, lower the rent again through increasing the supply?—The houses would not be built until the rents rose to such an amount as to be a valuable investment for the money that was spent upon building them, and therefore upon that ground I should say that the occupier would pay the rates.

4751. Do you know anything about the ground rents, and the price of land in your union?—We have very little in the shape of ground rents, next to nothing; our property is nearly all freehold. The land in the township of Lancaster I have a good knowledge of, being clerk to the assessment committee, and of the value of property and of the rents.

4752. When you buy land for building purposes in, we will say, the poorest part of the union, what proportion does the value of the land bear to the cost of a house in the case of houses usually built for the working classes?—A great deal would depend upon the site, and whether there were attached to it a little yard and garden, and so on, but if you will give me any specific case I will endeavour to answer it.

4753. Take the case of a house for which a man would pay 10 *l.* a year in a part of the town where building would be likely to extend, what would

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would be the proportion that the builder would have to pay for the land, and for the cost of the house to carry out his speculation in building?—Possibly if a house cost 170 *l.* or 180 *l.* he would have to pay 20 *l.*; I speak with diffidence upon that point, because a good deal depends upon the situation and other circumstances, and perhaps I might give you a more accurate answer if I had time to make a little calculation; 20 *l.* or 25 *l.* I should say, speaking roughly.

4754. It would vary between one-eighth and one-tenth?—Yes, something like that possibly.

4755. Do not you hold that, according as the rates were high or low, the builder would give more or less for the plot of ground on which he was going to build?—Possibly he might, but the equalisation brought about by the charge being now distributed over the union would make the land in respect of rates pretty equal in value in most cases.

4756. I presume you would admit that on the borders of union, where there was a difference in the rate between two unions, the value of the plot of ground on which the builder would build would vary according to the rate?—It would be so to some extent.

4757. Do you hold this, that so far as the cost of the land enters into the cost of a house, so far and in that proportion the owner would bear the rates?—I have not very carefully considered the question, and I would not like to venture an opinion without applying my mind a little more to it.

4758. Will you state what you have to say as regards land?—As regards land, with certain exceptions, the case is different. The quantity is fixed, and cannot be increased materially; its value is the worth of the net produce, that is to say, the produce, after all outgoings, such as rates, labour, return for the cultivator's skill and capital, are deducted. The worth of the produce is not affected by the question of rates, and such outgoings; but depends upon the demand for it, and the supplies imported. If the occupier had to pay no rates he could afford to pay more rent, but as he pays rates he pays a corresponding less rent, just as a farmer, who pays a tithe rent-charge, pays less rent by the amount that he pays of rent-charge than his neighbour whose farm is free.

4759. How has your attention been drawn to the matter as regards the land; is there a portion of your union which is agricultural?—A great portion of it is. I thought of the subject in 1849, when it was a question whether to adopt the Small Tenements Rating Act or not, and I wrote a paper at that time upon the question. I have frequently turned my attention to it since, and that is the conclusion which I have arrived at.

4760. As clerk to the assessment committee, your attention has also been drawn to the valuation of farms, I presume?—Very constantly; I have visited farms, and made very diligent inquiry.

4761. Will you state to the Committee what you may know as regards the exemption of houses under 5 *l.* to which you have alluded?—They are exempt from all the board of health rates excepting the water rate and some other item, the sewers, I think it is; they pay 8 *d.* in the pound.

4762. Of course they are not exempt from poor rate?—No, not from the poor rate, they are under section 4 of the Poor Rate Assessment and Collection Act 1869 in Lancaster.

4763. Do the owners pay the rates in Lancaster?—Yes, the poor rates.

4764. Is there any compounding of the general district rate?—Yes, they get one-fifth deducted in consequence of compounding up to 7 *l.* rateable value, and in the same way one-fourth with regard to the water rent.

4765. Have you turned your attention to the advisability of collecting all the rates together?—Yes; I quite think that that is not only practicable, but very desirable.

4766. If that were done, it would be necessary, would it not, to bring the compounding arrangements, as regards the general district rate, in conformity with the arrangements which affect the poor rate?—It would be so. In fact I remember that the clerk to the local board of health, after we adopted in Lancaster the Act of last session, charging owners up to 8 *l.*, remarked to me that they had the power to go up to the same amount, and instead of 7 *l.*, he thought it would be desirable that they should adopt 8 *l.*, as we did.

4767. At present the owners of some houses are assessed under two different systems, are they not, for the general district rate and for the poor rate?—It is so.

4768. The general district rate differs, does it not, from the poor rate in its incidence as regards market gardens, and various other descriptions of property?—Yes; the lands in general in the township of Lancaster are charged to the general district rate upon one-fourth of their value upon the 1 *s.* 8 *d.* rate, whilst other property is charged upon the 2 *s.*, the full value, and the poor rate is charged upon the full value.

4769. Is there much property in Lancaster of that nature?—Yes, I should think, perhaps, a rateable value of 5,000 *l.* or 7,000 *l.*

4770. What basis of assessment have they for the general district rate?—They adopt the value that the assessment committee determines.

4771. They adopt the value of the assessment committee of the board of guardians?—Yes.

4772. Then in practice the township of Lancaster adopts, as its valuation for its purely local purposes, a valuation which is made by a committee elected by the guardians of the whole union?—Yes, that is so; and the county rate has been charged upon much the same value. One of the magistrates, who was on the county rate committee, told me that our valuation did not differ 1 per cent. from their last.

4773. But it is not the same valuation?—No; it is made upon a different system.

4774. But the local board of health have adopted your valuation for their own purposes?—Yes; and I may add that the surveyor of taxes has, in some measure, been influenced also by our valuation; we have mutually assisted each other.

4775. Do you supply a copy of your rate book to them?—We allow them to examine our books, and they allow us to examine theirs.

4776. But the local board of health take no measures to make an assessment of their own; they copy your assessment entirely?—Entirely.

4777. And they deduct three-fourths from certain properties?—From land and market gardens, and railways.

4778. Do they employ a certain staff, in order to ascertain what properties are exempt?—Yes; they have their clerk and collector.

4779. Are railways assessed at one-fourth only?—Yes, upon the same principle as market gardens.

4780. As

4780. As regards the board of guardians, have you *ex officios* in frequent attendance?—Yes, a few; perhaps one-fourth of the whole number give considerable attention to the affairs of the union. We have always had an *ex officio* as chairman; our present chairman has, since the formation of the union, been chairman all the time, except six years.

4781. Are there a certain number of *ex officios* who attend as regularly as the elected guardians?—A few.

4782. Has your attention been drawn to the question of dividing the poor rate between the owner and the occupier?—Yes, it has; I have thought of it for some time since it has been spoken of.

4783. What is your opinion?—I think it is unnecessary and unadvisable.

4784. Will you state your grounds why it is unadvisable?—I consider that no case can be made out for disturbing the existing arrangements. If the rates have been increased, it is generally the result of improper administration and disregard of the law and the regulations of the Poor Law Board. The great objection, however, is, in my opinion, that the interest in the administration would be lessened and the expenses increased, to the prejudice, as I believe, of all classes. The alteration would only operate for a time, and I consider that eventually the burden of the rates would remain as at present, as I have previously described in the case of land generally, with few exceptions, upon the owner, and in the case of houses upon the occupier.

4785. Does your view depend upon the assumption that, though you were to place a portion of the rate upon the owners, the administration would remain the same as it is now?—No; I think in any case it would be desirable to give the owner the same standing with regard to the election of guardians and the power to sit as guardian as the occupier has at present; that is to say, he might nominate or be nominated as guardian, and he might vote in the election of guardians, without making the claim that he is now required to do to vote as owner, just as the occupier does at present, in fact standing in the same position.

4786. Have you found that, under the present law, the owner does not now stand in as favourable a position in the election of guardians as the occupier?—He does not. In the first place, without making a claim to vote as an owner, he cannot vote or nominate to the office of guardian. That claim is required to be prepared with some care; in fact, I have known an attorney, and a very sagacious one, make a claim which has not been good; and it is to be made by the 31st January, to be available at the next election of guardians in March. The consequence is, that very few persons make it. If they make it, it will of course enable them to nominate as an owner and to vote as an owner, just on the same scale as a ratepayer, but in no case could a person sit as a guardian, in consequence of being an owner. I think an owner ought to be enabled without a claim, to vote and to nominate, and to sit as a guardian.

4787. The occupiers are registered by a self-acting process, but the owners must take the initiative themselves?—Yes; occupiers are rated by the overseers, and the consequence is, that they can vote, but very few owners indeed have claimed or taken the trouble to claim.

4788. Could you give any figures to the Committee, as to the number of owners who have votes?—I do not think that at present, in the whole of the union, consisting of upwards of 8,000 assessments, there have been, or rather are in existence, 50 claims.

4789. So that the owners, in your opinion, are totally without representation?—Yes, they are.

4790. Of course it is partly by their own fault, but it is a matter of fact that they do not take any trouble?—Many of them do not know about it; there is no requirement on the part of any officer to give them notice. If they ask, of course we give them the information, but generally they do not know.

4791. Could you state how the plurality of votes acts as regards the owners?—It is on the same scale as the occupier. If the rateable value of the tenement or the property that he claims to vote for be under 50 *l.*, he has one vote; if above 50 *l.* and under 100 *l*, two votes; if above 100 *l.*, three votes; if above 150 *l.*, four votes; if above 200 *l.*, five votes; and above 250 *l.*, six votes; there it ends; that is, the same scale by the 7 & 8 Vict. as the occupier.

4792. Are there many owners in your union; is house property held in large quantities, or are there a great many small owners?—Speaking of Lancaster and some of the other townships, Morcambe, for instance, the owners are numerous, but in some of the purely agricultural townships they are comparatively few. The admission of owners would elevate and improve both the constituency and the representative board. The constituency has in many cases been much depressed by the operation of the Act of last Session, which gives a vote to the occupiers of cottages rated under it to the owners. Cottagers could not vote under the former Act. In Lancaster there are about 2,100 such cottages, being 55 per cent. of the total number of tenements, but they constitute only 22 per cent. of the rateable value. The owners of them number about 500.

4793. Do you find any more inclination amongst the small owners in the towns to register themselves than you do in the country?—I do not think many of them know of it. Occasionally where there has been some particular question or a little feeling exhibited with regard to the election of guardians, there have been a few claims, but generally it is not noticed; our board act very harmoniously, and we have not often a contest.

4794. But if they chose, with their six votes for property amounting to 250 *l.*, the owners, no doubt, would exercise very considerable influence if they were to act together?—It would be so, undoubtedly

4795. Do you consider, and is it generally considered, as far you are aware, that the *ex officio* guardians fairly represent the owners?—I scarcely think that that is the case, they are never supposed to represent the owners in our union. I never heard the remark made.

4796. The *ex officio* members, at all events, would not represent the small cottage owners?—No, they would not represent them.

4797. But they might be held, I presume, to represent, to a certain extent, the landed proprietors of the county?—They would generally be persons in that position in life, and they would rather look upon questions with an owner's view than an occupier's.

4798. Would you think it desirable to strengthen the position of the owners in the

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bodies administering local rates?—I should to the extent I have suggested.

4799. Independent of the question of putting a certain amount of rate upon the owner?—Yes, I think so, seeing that as regards the rate upon the land it is a charge upon the owner, I should look upon it that it is on that and other grounds advisable.

4800. Would you make any distinction between expenditure for permanent purposes, and expenditure for current expenses?—Certainly I should. My view has always been that certain items of expenditure ought to be a charge upon the owner absolutely and entirely.

4801. Will you state those items?—Public buildings, such as asylums, and, perhaps, with less force I might remark workhouses, and also sewerage, waterworks, and general works of improvement of that kind that are supposed to extend advantages over a large number of years.

4802. Those you would be prepared to put upon the owners; have you ever thought of the machinery for separating that portion of the expenditure from the other?—It occurs to me that it might be done in the same way as the cattle plague rate was done a little while ago. There was then a power to charge, and, in fact, the owner was required to pay a certain amount; on the rate receipt cheque book it was stated what that amount was, and it was collected from the tenant, but could be recovered by the tenant, or stopped in payment of his rent from the owner; but I should like to remark that, in the event of the owner being charged, I should think it is very advisable indeed to extend the period of repayment for those works over a much longer period than at present.

4803. The present period being 30 years?—Yes, 30 years for workhouses; it used to be 20.

4804. To go back to the point of the poor rate, you object to rating the owner for a portion of the poor rate, as I understand, with the exception possibly of that part of the poor rate which goes to build workhouses or permanent structures of some kind or other?—Yes, I object chiefly on the ground of administration. I think there is no need to take money from one man to give it to another; but that is not a question of poor law, but it seems to me that by extending the area of the charge on the persons who pay the rate, you would very much lessen the care and attention given to the administration, and you would increase the rate, in fact, which would be an evil. The administration of the poor laws is a most difficult and important matter.

4805. You mean, by the area of charge extending from the occupier to the owner?—I had rather in my mind the area of chargeability, that is, extending to a county or national rate, or the rating of personal property, or anything of that kind, but the influence would be much in the same way. If you brought in the owner, supposing the rate were divided, it would be to begin with only half the amount, but eventually the expenditure would exceed far beyond what it is now.

4806. Are we to understand you to mean that the pressure of the poor rate is a useful screw for keeping down expense?—It makes people take more care, and that is one of the grounds upon which the expenditure is watched; there is so much liability to get wrong in the administration of the poor laws, especially if you are not spending your own money.

4807. At present, in the country at least, according to your own views, the occupiers are spending the owner's money?—That is not felt, for this reason, that the occupier has to pay the rate, and any immediate change would fall upon him. He may be the occupier of a farm upon which he has a lease.

4808. Of course, so long as the existing arrangements exist, no doubt any increase or diminution in the rate goes solely to the occupier?—Of course, that would be so.

4809. Would the same effect not be produced upon the owner if he were rated, that he would then pay more attention to the administration himself?—I think not; I think the rate being so slight the pressure would not be so much felt; there is constantly a disposition to let things take their course, and there is a great deal of pressure from without.

4810. You mean that the owners being a rich class, would not feel the pressure of the rates so much, and that therefore they would not be so careful in administering them?—That is so, of course, to some extent; that would also be the case with the occupier. If a man were to pay 9 *d.* in the pound instead of 1 *s.* 6 *d.*, he would feel the pressure less, and be a little more disposed to be careless and lavish.

4811. Did I understand you to say that the poor rate fell from 4 *s.* to 1 *s.* 6 *d.*?—I said that I had known it 4 *s.* in one or two townships in the union; not regularly, but occasionally; in Lancaster for instance.

4812. Is great attention paid by the ratepayers themselves, at present, to the administration of the poor law; I ask you that in reference to what you say that the pressure of the rates has made them exceedingly careful?—They seem to be pretty well satisfied with what is going on; we give them information from time to time. I may say that the ratepayers of our union geneally seem pretty well satisfied with things as they are carried on; of course some people grumble whatever the rates may be.

4813. Do you see any other objection to the owner paying a share of the poor rate than this, that you fear that the watchfulness of the ratepayers and the guardians, who are their representatives, would be relaxed; that is your chief fear, as I understand?—Yes; I look upon the question of administration as a most important one; the rates in our case do not press so heavily as to be really very burdensome, and they are not so high as they have been; I think, as regards the working classes especially, it is a matter of the greatest importance that the administration should be very careful and judicious.

4814. Do you think that the pressure of rates is really less now than it was, or that the rate in the pound has been diminished, because the aggregate amount of the value of property has increased?—There is a reduction in our own union of something like 30 per cent., in the expenditure, and an increase of something like 40 per cent. in the rateable value of property; this increase has certainly been occasioned in part by railway property, which constitutes about 12 per cent. of our value.

4815. So that you have the advantage in both ways: there has been a very material decrease in your expenditure?—Yes.

4816. Which of course is perfectly irrespective of the rise in the value of property?—Yes; I have

ave given those figures down from memory, but have no doubt they are substantially correct.

4817. Within what periods?—From 1843; I ompared it with the first three years of the union, hich was formed in December 1839.

4818. Are you speaking now of the expendiure of the union?—Yes; of the union, including ll the items.

4819. You are speaking of poor relief, not of ther rates?—No; I am speaking of all together; have a classification of all the expenditure as istributed amongst poor relief, and for other urposes. It is in a report which I prepared for he guardians a few years ago, but it is substanially correct now; I have given a number f items, but I have divided the expenditure also nto three general heads. In the first period, that s, in the three years ending March 1843, the roportion connected with relief immediately, as 71·15 per cent. of the total expenditure, and n the second period in 1862 it was 67·11; then here is collection of rates and other purposes, artly connected and partly unconnected with elief, and in the first period these amounted to 3·43 er cent., and in the second period 3·91; for purposes totally unconnected with relief, in the first eriod the amount was 25·42, and in the second eriod 28·98.

4820. Do I rightly gather this to be the purort of your evidence upon this point, that your xpenditure has decreased, and that you attribute he decrease partly to the exertions and vigiance of the ratepayers, and that you are afraid hat by relieving them by their share of the urdens, you might go in a contrary direction?—I attribute it in a great measure to the imroved condition of the law, the existence and he regulations of the Poor Law Board, and to he care and judicious administration of the uardians. We had, on the 1st January 1843, pwards of 2,200 paupers, and at this moment, lthough we have added four townships to the nion, we have only about 860 or 870.

4821. There is one class of rates on which you ave said nothing, that is to say, the highway ate; do you know what is the state of things ith regard to that rate?—I have no official conection with the highway rate, but my intercourse ith people generally gives me a knowledge of t.

4822. Is there a highway rate levied in the nion to which you belong?—In all the townships here is a highway rate except Lancaster, and he township of Poulton Bare and Torrisholme, hich are local boards of health.

4823. Then the highway rate must be added o those other rates which you enumerated in the eginning of your evidence?—Yes.

4824. Is the highway rate high?—I should hink it rarely exceeds 6*d.* in the pound. It is ot a highway board; each township manages its wn highways. They have not adopted the new ct.

4825. When you have spoken of the township f Lancaster, you mean one of the component parts f the union, do you not?—Yes, a place which, beore relief became a union charge, separately aintained its own poor, and now levies its own ates.

4826. Could you state to the Committee the ifference between a township and a parish in ancashire?—There are some parishes in Lanashire precisely the same as you speak of them n the south, where a district maintaining its own highways is co-extensive with the ecclesiastical district; but generally what we call a parish is an ecclesiastical district which has within it several such places, that is to say, places that separately maintained their own poor, levy their own poor rate, keep their own highways in order, and attend to other matters of that kind.

4827. The representatives of the boards of guardians are representatives from the townships, and not from any of the parishes, are they not?—Yes, but I must make a little reservation then, for we have two of those parishes in our union. It is a little confusing, but practically speaking it is so.

4828. You stated to the Committee that there were 24 townships in your union, but you mean, strictly speaking, 22 townships and two parishes?—Yes, but I do not know the difference between parish and township in that respect, except that in the case of the two parishes, the ecclesiastical district does not extend beyond the area of charge of the poor rate, which is not usually the case in Lancashire.

4829. There is a township of Lancaster, is there not?—Yes.

4830. But the parish of Lancaster is not entirely contained in the union of Lancaster?—No.

4831. A portion of the parish lies in the union of Lancaster, and a portion in the union of Preston?—Yes, and some in the union of Garstang.

4832. Therefore, for all administrative purposes it would be best to leave out of view the existence of parishes in your union, and to treat the township practically as equivalent to a parish for poor law purposes?—Yes.

4833. Mr. *Pell.*] You, no doubt, have taken notice of the register for election purposes?—Yes.

4834. I think, in the heading of every parish you will see "In the parish or township of so and so"?—Yes, there is some heading of that kind.

4835. Can you give any instance to us where a parish and a township are not coterminous?—Yes; Lancaster is not. In every case the overseers make out a list of voters, and return it to the clerk of the peace, whether it be what is called a parish or a township, that is to say, every place where the poor rate is levied separately from any other place.

4836. Do you know what the legal definition of a township is?—I understand that it is a place separately maintaining its own poor, and for which overseers are appointed, and defined to be such under an Act of Charles II.

4837. Is it not a place that appoints its own constables?—It is a place that nominates its own overseers.

4838. Apply it in your own district, and tell me whether that is true; that is the definition which is given in the Law Book, I believe?—They did, under the 5 & 6 Vict., appoint the constables in all the townships in our union except Lancaster. The places that I speak of as townships appointed those constables, or rather nominated them, under the Parish Constables Act; but very lately they have ceased to do so.

4839. But they have still the right, have they not?—Yes, but the magistrates have considered it not necessary.

4840. Then it would be a fair definition, that a township is a place that appoints its own constables?—Yes, it would be proper to say a place of that kind.

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4841. A parish may consist, may it not, of several townships ?—Yes.

4842. But a township never consists of several parishes ?—No.

4843. *Chairman.*] To what extent of country does your answer apply ?—I am speaking of my own union; I would rather not go beyond that.

4844. Mr. *Walter.*] I think you read from some memorandum an opinion that in case the rates were entirely done away with, the tenant would be able to afford to pay a higher rent to his landlord for the house he occupied; is that your opinion ?—I did not intend to say so; I have not quoted any opinion but my own; I made a note this morning.

4845. Did that apply to land or to houses; were you expressing an opinion with reference to towns or the country ?—I was speaking of both houses and land, the rate upon houses being really a charge upon the occupier, and in the case of land upon the owner.

4846. Did you not express your opinion with regard to houses, that if the rates were taken off houses, the tenant would be able to pay his landlord higher rent ?—I was speaking of land when I said that if the occupier paid no rates, he would pay more rent; and that the rates were only in the shape of so much rent, because the value of his farm depended upon the value of the produce.

4847. Then that is not your opinion as regards houses ?—No, quite the contrary; I think the burden of the rate is upon the occupier of a house, but not upon the occupier of land.

4848. I think you draw this distinction between land and houses: that in the one case it is the competition for houses that tends to throw the burden of the rates upon the occupier, and on the other hand it is the limited quantity of land in the market that throws the burden upon the owner ?—Houses would not be built for an investment, that is to say, to let, except they paid a proper rate of interest; and if the owner had to pay the rates the rent must rise, which would really be an additional charge upon the occupier; but in the case of land, its value to the tenant depends upon the value of the produce after all his outgoings, rates included, are deducted.

4849. Why do you think that if the owner had a greater command of the market which he must do if the quantity of land is limited, the burden of the rates should be borne by him ?—I do not express any opinion; I say what I think is the actual state of things. I think that the burden of the rate is upon the owner of the land, and that if there were no rates the landlord in fact would have a greater value in his land; he would have more rent for it.

4850. But you stated, did you not, that the reason why the rates in the case of land were borne by the owner and not by the occupier, was, that there was so much greater competition for land and a more limited supply ?—I do not know that I spoke of competition; competition would bring the price of land to what it was really worth; taking into consideration what the value of its produce was, and whether there were more or less rates upon it, would be a question that would not eventually affect the occupier but the owner, as it seems to me.

4851. Admitting that in the case of landed property, the rates ultimately fall upon the owner, why is it that you think they do not fall upon the owner in the case of house property ?—Because houses will only be built to let in the event of their paying a proper rate of interest, and if the owner had to pay the rates he must of necessity have a larger rent, or the building of houses to let would cease until the rents rose to such an extent as to pay him not only for the investment of his capital, but for his outgoings also, rates included.

4852. In Lancaster, are there any tithes on house property ?—The sum of 42 *l.* 10 *s.* a year is paid by the overseers out of the rate to the vicar of Lancaster.

4853. Do they form a separate charge upon each house ?—They are paid out of the general rate.

4854. Do you consider that there is any distinction with regard to the incidence of tithes upon property, and the incidence of any other rates; should you not hold that the tithes were paid by the owner ?—Yes, certainly, that is one of my arguments, that the tithes are paid by the owner, and the owner has also to pay the rates just in the same way as regards land.

4855. But supposing there are tithes upon house property, do you consider that the occupier pays the tithes in that case, or the owner ?—The amount is so small, being only 42 *l.* 10 *s.* over all the township, that it really amounts to nothing, and I have not applied my mind at all to that point.

4856. Mr. *Corrance.*] Your attention has been principally directed to poor rates, has it not ?—Chiefly; but of course other rates have incidentally come under my notice, having been long connected with the administration of public affairs.

4857. But you have had more particularly to do with the poor rate than any other series of rates ?—Yes, certainly.

4858. And you object to their division between the owner and the occupier ?—Yes.

4859. Principally upon the ground of administration ?—That is the principal reason.

4860. You think, I suppose, that even if the division took place, the occupier, at all events would be the chief administrator ?—Practically he would take more interest in the matter; the owners generally being of a higher class of persons, especially in the country, would not give so much attention to that particular rate.

4861. But it is of more importance, is it not to the occupier, because he is the employer of labour ?—Yes, and he is a person of smaller means generally.

4862. You have spoken of a rise in the rateable value of the property in your township; to what causes do you attribute that ?—To various causes. There has been a rise in the value of most kinds of property. Building is much more expensive than it was; the workmen have higher wages and perform less work in their shorter hours; and whatever you have to purchase in the way of property is higher. Land in the neighbourhood of towns is becoming of greater value, and agricultural produce or some of it has increased in value; and land generally has got up in price.

4863. Has there not been another cause, namely, a more just administration of the law of assessment within later times ?—That applies to some little extent; when you asked me the question, I ha my mind upon Lancaster. That is the largest township; and I think that the principle of assessment was generally adopted there as defined by the Parochial Assessment Act, as it is now. There was a great irregularity in the charge as between one occupier and another.

another; but I think that the principle of valuation was the same as it is now.

4864. Has it not raised the whole scale appreciably; have not you added 10 to 15 per cent., taking the general result?—No; we endeavour strictly to carry out the law as defined by the Parochial Assessment Act and the Union Assessment Committee Acts.

4865. Have you not found that the previous assessments were still very low?—No, not in our union. I do not mean to say that there were not cases where that was so; but generally speaking, especially in Lancaster, it was not the case.

4866. Do you know that the law was passed to meet cases of that sort where there was intentional misrepresentation (I will not call it fraud) as to basis of rateable value?—That was so; before the passing of the Parochial Assessment Act it was the case, I am aware, to a great extent.

4867. Were you aware, as a general fact, that throughout the country generally, there has been a considerable rise of from 10 to 15 per cent. upon the apparent rateable value from that cause?—I am not aware of it; I am not surprised to hear that that is so, but I do not remember at this moment.

4868. In answer to a question of the Right Honourable Chairman, you seemed to lay some stress upon the fact that the rateable value has risen almost equally, and perhaps even in a greater ratio, than pauperism itself; are you satisfied that it should be so, that there should be a concurrent rise of wealth on the one hand, and of destitution on the other?—Pauperism has not risen in our case; it has decreased very largely. Speaking in round numbers, it has decreased 30 per cent. within my recollection. It has decreased in expenditure and especially in numbers. We relieve more liberally than formerly, that is to say, in really necessitous cases; but we watch them more diligently and act upon sounder principles than those in operation before the Union was formed. The decrease will be apparent by a table which I have prepared. (*The Witness delivered in the Table*, vide *Appendix.*)

4869. I wish to ask you a question or two respecting the incidence of those rates on owners and occupiers, relatively as owners and occupiers of land and houses; you spoke of land and houses as differing in that respect, and you drew a certain distinction between them?—Yes.

4870. But you are aware, are you not, of one thing, that the power of increasing the rent depends upon the competition?—Of course, to some extent.

4871. You have also spoken of houses as things that can be multiplied, and of land as a stationary thing?—Yes, to a certain extent.

4872. For which would there be the greater competition; a thing that you could multiply at will, or a thing that is fixed and stationary?—Of course the thing that is fixed and stationary.

4873. You would infer, would you not, that there would be greater competition for the thing fixed and stationary, namely, land, than for the other?—Yes.

4874. Then that leads to this conclusion, that the thing which is fixed or stationary would have greater power of recouping itself by increased rent, namely, putting the rate upon rent which the landlord would exact from the occupier?—As a farmer generally must make his living out of his land in any case, he could not pay a higher rent, generally speaking, than the produce of his land was worth; and if he were charged more rates, of course he would have to pay less rent; but if he were charged no rates he could pay more.

4875. If you had two owners before you of different properties, and there was greater competition for one than the other, it would be more in the power of the owner of the property for which there was the greater competition to exact the rate from the occupier than it would be in the other case?—Yes; there are exceptions, of course, to the general rule that I have stated, many.

4876. The question is what is the general rule, perhaps yours is the exception?—That may be so, but I believe it is not.

4877. You have spoken of a house owner ceasing at once to add to the number of houses if he found the rates increased upon him; he would do so no doubt?—That is to say, persons who invest money in house property do so with the object of obtaining a proper rate of interest, and if their income were reduced by the payment of rates without any rise in the rent, of course that state of things would not continue.

4878. Such a person would not bring his capital under taxation?—He would not invest his capital in what did not make him a proper return.

4879. Do not you think it would operate equally upon the farmer, because the increased value of land, which makes the rateable value, is of course increased by the application of capital?—I should think he would expect a proper return for his capital.

4880. Do not you think that the same reasoning which you apply to houses would apply to the farmer?—No, I do not think so, because the farmer would, of necessity, have to get his living out of the occupancy of his land.

4881. Do not you think it would discourage a farmer applying his capital if he found that there was a heavy rate upon it?—I think the thing would right itself generally. If you change the incidence of the rate, it would fall in a number of years hence just as it does now. The rate upon profitable improvements would not be likely to deter him from making such.

4882. At any rate, you have given us some instances which will prove that to any general rule there are a great many disturbing influences?—Of course; that would be so necessarily.

4883. How do you assess the different uses and purposes; take three houses of a different class, used for different purposes, and those purposes constituting annual profit, how would you assess those three different classes of house?—We should take the gross estimated rental at what it would be expected to let for in each case, whatsoever it might be. For instance, in the case of a house that has a license to sell spirituous liquors, it would necessarily be higher, and in the case of a shop that might not stand upon a larger extent of ground, it would be generally higher than a house next to it that is merely a dwelling.

4884. Do you apply the same principle to accommodation land round a town?—Generally.

4885. But not altogether?—We do not absolutely adopt the rent as the origin for the gross estimated rental, but we take all the circumstances of each case into account, looking upon the rent as *primâ facie* evidence of the letable

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value, although sometimes we find that there is ignorance on the part of the owner or the occupier, and occasionally collusion, sometimes relationship, and causes of that kind, influence the rent.

4886. You have no absolutely fixed standard for accommodation land?—No, we do not go so much per acre; it is a question open to very great difficulty, but I think we arrive at a better value than ever was arrived at before.

4887. Mr. *Smith.*] Do not you think compounding a bounty upon the provision of small houses in regard to which compounding is allowed?—By that means the overseers obtain the rate with less trouble in collection, and they never lose, or very rarely lose, any by a tenant going away, and they have to take no proceedings for the recovery of the rate, and perhaps it is a fair arrangement. The question has been raised in several of our townships, at vestry meetings which I have attended. In Lancaster and some other townships, it was looked upon that the income derived from the rate, together with the consideration of less trouble in collection, would be fully equivalent to the deduction of 15 per cent., but in other cases it was thought they would get more money under the old system, and they refused to adopt the Act.

4888. Fifteen per cent., therefore, is the full extent of the benefit derived by compounding, in the case of those houses below 5 *l.* in value?—Yes, and even to 8 *l.*; a further deduction is allowed in the event of the owner being willing to pay whether his property be occupied or not; but that is a matter of agreement between the overseer and the owner.

4889. You stated, did you not, that houses under 5 *l.* are only rated to the extent of 8 *d.* in the pound, upon a rate which usually amounted to 2 *s.*?—That is so; we were formerly speaking of the poor rate; that is with regard to the board of health rate; and that is under the operation of the Local Act of George IV. In the borough of Lancaster the exemptions were continued by the Public Health Act. It was so decided by a case that was brought to the Court of Queen's Bench from Lancaster, and that exemption has been urged as an objection, as a sanitary question, that it induces persons to live in houses of that class, in order to evade the payment of the full rate. Houses under 5 *l.* pay 8 *d.* in the pound for sewerage and waterworks rate only.

4890. In your opinion, the effect of this exemption is rather unfavourable to the condition of people who live in those houses than favourable to it?—I have given much and long attention to sanitary matters and I think that it induces persons to go to a class of cottages that on sanitary grounds it it is undesirable should be occupied. The same remark was made to me the clerk to the board of health the other day.

4891. At first sight, it would appear that the exemption from rating would tend to increase the number of houses of the class which may be considered to be necessary for the lodging of the poor?—But in a town like Lancaster, I do not think it is advisable to increase the number of houses of that class; they cannot be occupied at that rent to be suitable dwellings for a family.

4892. Do the owners who are once registered remain on the register, or must they claim year by year?—They remain on if the qualification continues; there are some provisions in the Act, relating to the revision by the clerk of the union, but objection must be made; and they really do not attend to it, so that practically they remain on if the qualification continue good.

4893. Do you find any inconvenience from the union of agricultural districts with town districts in the administration of the poor law?—No.

4894. Have you an agricultural district in connection with the union of Lancaster and the town of Lancaster?—Yes, we have the borough of Lancaster, and there are two or three manufacturing villages, and the rising watering place Morecambe, on Morecambe Bay; the rest are agricultural.

4895. The area of the union is extensive, I presume?—Yes, I should think it would be something like 60,000 acres, speaking from memory.

4896. Is there any one central office to which all applicants for relief come?—There are three relieving officers, one living in Lancaster, and two in other parts of the union, and they visit the townships weekly, and the relieving officers attend the meetings of the board every week at Lancaster.

4897. But is it not the case that persons applying for relief can only obtain it by order of the board sitting at Lancaster?—Yes; but the relieving officers have discretionary power to administer relief in kind between the meetings of the board, and to have it confirmed by the guardians at their meeting in the event of emergency. The overseers also can administer relief, but practically that is not much needed, because the relieving officers are in constant communication with the townships.

4898. Applicants for relief, of course, attend the board?—They are at liberty to do so; they please themselves in that respect; some do and some do not; the case is represented by the relieving officer, and the guardians and the clerk generally know something of it.

4899. It is dealt with, is it, without the necessity of personal attendance?—It is a matter of option on the part of the applicant.

4900. Mr. *Birley.*] When you tell us that you consider that the rates in the case of house property fall upon the occupier, and the rates in the case of landed property fall upon the owner, are we to understand this, that in the case of house property the rent is determined by the profits that the builder gets, and in landed property it is determined by the profit that the occupier makes?—Generally speaking, that is so, if I understand your question.

4901. The Committee do not quite understand why in one case it should fall upon real property and in the other case it should not fall upon real property; and particularly as it would appear at first sight that, if anything, it should be just the reverse, because land is limited in quantity, whilst houses could be multiplied; but it appears from your answer that you considered that the value of the rent of a house was determined by the minimum profit that would satisfy the builder, and that the rent upon land was determined by the minimum profit that would satisfy the farmer, and that it was the builder, in the one case, that had to make a calculation of what he could afford; and in the other case it was the tenant that had to make a calculation of what he could afford?—That is substantially the case.

4902. The rent, therefore, would be determined, in the one case, by the builder's profit, and in the other case by the tenant farmer's profit?—Yes.

Yes, that would be substantially so in most cases.

4903. You spoke, did you not, of the management of the county rate in Lancaster as not being satisfactory?—No; I spoke of the county rate administration in Lancaster generally being very satisfactory, but I said that there have been complaints made in some cases, as naturally there would.

4904. Do you think that that dissatisfaction would be removed if the administration were altered by a system of representation?—I think it is possible that there might be sent to a county board persons of more practical information on certain matters of expenditure, and that their assistance to the county magistrates might be serviceable; at all events, that would be what would satisfy the ratepayers, and keep up a more frequent and close communication between them and the expenditure of their rates.

4905. You told us that in Lancaster no borough rate is now levied, but that it was levied some 20 years ago?—I think, perhaps, it may be less than that, but I cannot speak with certainty.

4906. Is it in consequence of the discontinuance of the borough rate that they introduced the general district rate?—I am not quite sure about it; their income is sufficient to meet the expenditure that falls upon them.

4907. Is it a generally increasing income?—I am not aware that it is.

4908. What is their expenditure in addition to the police?—They have the watching, which would be the police of course; I cannot speak with certainty of how the division is made now.

4909. Have they anything, to do with the markets?—They have; but the tolls more than meet the expenses.

4910. I suppose there are certain expenses connected with the corporation itself, such as the town clerk, and so on?—Yes, there are certain expenses of that kind.

4911. Sir *Hedworth Williamson.*] Would the ratepayers get any benefit by a stricter system of audit, do you think?—I am not prepared to speak of any particular item; but it has always struck me that the poor law union accounts are under a much stricter audit, and in fact we are much more careful to keep within the bounds of the law, and to have everything done in accordance with the regulations, than they need be in accounts that are not audited by a public officer.

4912. With regard to the ground landlord, supposing there was an Act of Parliament passed levying certain rates, half on the owner and half on the occupier, outside your borough of Lancaster it would be simple enough, would it not; the farmer would pay half and the landlord would pay half?—I do not know that there would be any practical difficulty.

4913. Inside Lancaster supposing you bought an acre of land, at what we call a perpetual ground rent (we will say of 30 *l.* a year for argument sake), and you built houses upon it, and the owner had to pay half and the occupier had to pay half, you of course would let your houses to people, and in that case who should you consider to be the owner?—The ground landlord would not be influenced, as I suppose it would be the owner of the house; the ground rent having been defined in the agreement between them would continue at that amount I should say. Of course that is a matter which Parliament might determine.

4914. Do you think that there would be any great difficulty in determining it?—If an Act of Parliament determined that the owners of ground rent were to pay a certain proportion, I do not know that there would be any difficulty.

4915. Mr. *Wheelhouse.*] Speaking of the system of audit in the Town Council of Lancaster, do you consider that the audit to which the accounts of the Town Council are subjected, is anything more than the simple passing of the vouchers; do they in any way act as certifyers, or is it merely taking a voucher and seeing that it is correct, and so passing it on into the accounts?—I think in most cases it is practically that; I do not remember anything else; my idea of an audit, is that it ought to be much more strict.

4916. In your opinion, what else could the auditor be expected to do; how would you alter your arrangements?—In the first place he would see that the charge is a legal one, that there is some statutory authority for the payment, and in the next place that it has been incurred on proper authority, and that the accounts are kept in proper form.

4917. So far therefore as what the auditors do now is concerned, it might just as well be done by a clerk in the office of the town clerk?—Perhaps the fact that two persons unconnected with the corporation are appointed, would be a little more security that the vouchers were produced than if it were left entirely to a clerk in the town clerk's office.

4918. So far as security is concerned that may be, but so far as actual work performed is concerned, apart from any security, if the auditors merely take the vouchers and see that they are correct, might not it be done by a check clerk even?—It might be done.

4919. And equally well?—A check clerk might do it, of course.

4920. Colonel *Brise.*] I think you said that the ratepayers in your union express some dissatisfaction at the administration of the county rate: what rate in the pound is the county rate in your county at the present time?—I do not know that there has been any dissatisfaction exactly expressed; there have been remarks made that there ought to be a representation; and in some few instances it has perhaps been said that this and that item was excessive, and that the county rates were increasing, and so forth. The county rate is $3\frac{27}{32}$ *d.*, or nearly fourpence.

4921. Do you think that the ratepayers generally are aware how very small that expenditure is?—There is sent to each township, at the end of the half year, under the orders of the Poor Law Board, a statement of the receipts and expenditure of the union, and in that statement the amount paid as county rate is given, and those who choose to make themselves acquainted with it, of course could do so.

4922. I think I understood you to say that you would not recommend that the rate should be divided between the owner and the occupier, but that there are some rates which you would put upon the owner; is the county rate one of those rates which you would put upon the owner?—For certain items; but certain items I would take off the rates altogether, such as registration, vaccination, and police; those, I think, are for the general good of the community; they are recent charges, and have been greatly increased recently; they are not so liable to become excessive, and I do not see why the rates should

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bear them at all; but matters such as buildings and general works that are to last a long period, and are for the good of the neighbourhood generally, I think might be charged upon the owner.

4923. If you put the county rate upon the owner, at any rate you would get rid of that dissatisfaction, as to the administration?—Yes, of course the occupier would have no cause of complaint; but I think that there are certain items, such as the administration of justice, police, and the protection of property, and especially vaccination and registration, and some of those things that have been put recently upon the poor rate that ought not to be there, or upon the owner either.

4924. You also spoke of some other expenses that are paid out of the poor rate, which you would place upon the owner, such as the expenditure on buildings; how would you propose to separate that expenditure from the poor rate expenditure?—On the periodical arrangement of the accounts, the proportion of the rate in respect of these works might be ascertained and stated on the occuper's rate receipt, as was the case with the cattle plague rate, and he could repay himself out of the owner's rent. An Act of last Session enabled an occupier, whose term does not exceed three months, to deduct his rate from the rent.

4925. You stated, did you not, that the assessment of the union and the county assessment, were always the same in Lancaster?—Yes, they agree remarkably.

4926. On what principle did you make the union assessment; did you take the income tax as the basis of assessment, or did you get information as to the annual value, or what was your basis?—The process is this: The assessment committee require the overseers of a township to send in a valuation list, when they deem that one is necessary, stating a time; the overseers prepare this list and deposit it, and a time is appointed by the assessment committee for the revision of the list. Before that meeting, the clerk looks at the entries and compares them with the property tax assessment, and obtains other information, and any case that is deemed to need it, is investigated by the assessment committee; the overseers are required to be present, and the assessment committee make such alterations in the gross rental as they deem to be necessary; and they spend as much time, and hold as many meetings as they find requisite; the list is afterwards re-deposited. The principle of valuation, as I stated, is defined by the Assessment Committee Act.

4927. Then you have the income tax assessment upon the table, and you have the valuation list of the overseers, and you put the two together, and make out what is considered to be a correct assessment, is that the process?—We obtain other information in addition to that.

4928. You supplement the valuation lists; but do you find that the overseers look after the supplemental lists, and look after alterations and improvements in their districts in the way that they ought to be looked after?—No, we could not rely upon the overseers generally; we ask for a list perhaps every third year. In the case of Lancaster and some other townships, we should require a supplemental list immediately; we passed a Lancaster list last September, and we are now receiving a supplemental one.

4929. Mr. *Pell.*] You stated, did you not, that you have two valuations; one for the county rate and one for the union?—The magistrates make a valuation periodically; it was 10 or 11 years since they made the one before the last; we have nothing to do with the county valuation except to give information.

4930. Then there are two assessments, one for the county rate and one for the poor rate?—Yes, there are two different valuations.

4931. How comes it that there are two?—Because the law requires it; or, rather, it gives the magistrates power to fix the basis upon which to charge the county rate.

4932. The need of having those two assessments arose, did it not, from the fact of the assessments in different unions being made upon different standards; before the Union Assessment Act of 1862, the overseers in each township placed what value they thought proper upon people's property, leaving them, of course, the power of appeal; and, prior to that time, the magistrates had the power, and did fix the valuation as the basis of charge for the county rate?—Yes.

4933. And in 1862, when the Union Assessment Act was about to be put in force, did you have anything of a county meeting in Lancashire, do you know, at which the magistrates agreed to make the assessment identical?—I was present at a county meeting which was held at Preston, a meeting was held of members of the assessment committees, for the purpose of agreeing upon the scale of deductions from the gross estimated rental, so as to arrive at the rateable value; but I do not know that it had any connection with the county rate.

4934. Is it or is it not the fact that, taking two unions, or three unions, in one county, you would find land of precisely the same quality, and making the same rent in those different unions assessed at a very different rate in the different unions?—I do not know very much of what is going on in other unions. I have examined other valuation lists, but I do not know the value of the land.

4935. If that was not the case, you see no reason why there should be two assessments, one for the county rate and one for the poor rate, do you?—None whatever. I think that the assessment committee's valuation, if it be done with care and diligence, might serve for every purpose, not only local, but Imperial, giving the surveyor of taxes, of course, power to revise and object in certain cases.

4936. That is to say, if it was a true assessment, namely, at what the hereditament would really let at?—Yes.

4937. Do you think that that principle of assessment is followed out in your union; that you put every hereditament at what it would fairly be expected to let at, or do you keep it down below that mark?—I do not think it would be possible, without a very large amount of expense, to get a better valuation than we have; and I believe that, in every case, the assessment is put at such a value as it would let for, as far as the assessment committee can judge. They are very practical men, some of them; and a great deal of labour is expended about it. They sat over this valuation list of Lancaster, at their meetings, some of them, four or five hours.

4938. How many rates are called for in the course of a year?—In the last few years the poor rate for Lancaster has ranged over perhaps nine

nine months. The board of health rates are rates for a year.

4939. Is there a separate house-to-house call for the board of health rate?—Yes; and for the water rent another separate call.

4940. Are there any more?—No, there would be no more, I think; in the case of some country townships they lay the rate quarterly, and in some half-yearly. The calls for the union are made quarterly, and some of the overseers lay a rate just to meet that call, others lay it for a longer period.

4941. Sir *Massey Lopes.*] The Chairman asked you several questions with regard to the mode of keeping the accounts of the local board of health and the corporation accounts; do you think that the present mode of keeping those accounts is satifactory, and are they, in your union, properly audited?—I should prefer in every case that an independent auditor should be had for public accounts, without exactly saying that there is anything improper going on in the borough of Lancaster. I do not know that there is; but it would be more proper to have an independent audit.

4942. Do you think it should be a professional man, and not one of the same body?—I am very decidedly of that opinion.

4943. Do you not think that there should be more publicity attached to the accounts; should they not be printed and circulated?—They are so in the case of Lancaster; I am speaking of the local board of health accounts.

4944. Can you state that the corporation accounts of the borough of Lancaster are ever printed?—I cannot speak so much to that. I have an impression that they are. I have no doubt I have seen them, but I do not remember examining them so particularly as to see what they related to especially.

4945. Do you know whether the accounts of the local board of health of Lancaster, are ever sent up to the head office in London, as they ought to be, every year?—I think they are, but I have not any special knowledge of the fact.

4946. *Chairman.*] Are you aware that in the last return from the municipal corporations the borough of Lancaster is returned as having sent no accounts?—I am not aware of that.

4947. Sir *Massey Lopes.*] But, as a general rule, no corporation accounts are necessarily under any public audit; they are exempt from a public audit?—I cannot speak to that fact; in our own district there is no official auditor; two persons are appointed to audit the accounts, as I have before mentioned.

4948. Is there any compulsory audit that you know of; is it absolutely necessary?—I cannot speak with certainty as to what the Corporation Act may be in that respect.

4949. You gave us some particulars of the rates in the township of Lancaster, but you did not give us the sum total of the poundage; do you know what the local taxation is in the pound in the township of Lancaster?—There would be the general district rate, 2*s.*, and the poor rate would probably average something under 1*s.* 6*d.*, at present. I do not know that there would be any more than those two, unless you regarded the charge for water as a rate; it is nominally a rate, but really it is a matter of option, and each person pays for what he gets, according to the rental of his house, as defined in the table.

4950. Did I rightly understand you to say that those rates had been decreased of late years?—Yes, very much so.

4951. Are you speaking more especially of the poor rate, or generally?—Of the poor rate; there is not a township in the union, whose rates have not decreased since its formation.

4952. How do you account for that; was it through the effect of the Union Assessment Act of 1862?—No.

4953. Do you not think that that affected it?—The decrease was before the existence of that Act at all; I speak not of decrease in the pound, but of decrease in the expenditure of money, notwithstanding the increase of population and of the value of property.

4954. I think you mentioned that the surveyor of taxes generally adopted your valuation; namely, the valuation of the union assessment committee?—I do not know that I said that; he obtains information from us.

4955. Generally speaking, you do not yourself see any advantages in any division of rates between owners and occupiers?—No.

4956. You think, in the first place, that it would not tend to economy, and, in the second, that it would not tend to a better administration; and thirdly, you said that you thought that there would be a great objection to disturbing the existing arrangements?—Yes, those generally, are my views.

4957. You stated that a little dissatisfaction existed amongst the ratepayers with regard to the county finance, and you thought there was a feeling that they ought to be represented; do you think that if any arrangement was made for dividing the rates between owners and occupiers, it would to a certain extent, be a substitute for the occupiers being represented on county financial boards?—I cannot say that; of course they would wish to be represented so far as their share of the rate was concerned.

4958. You think that that would not altogether remedy the grievance?—I think there is a general feeling that persons paying rates ought to be represented in some way in the expenditure of them.

4959. Did it ever occur to you, that if the rates were divided between owners and occupiers, there would be this difficulty; at present, the owner pays the income tax upon his gross rent, does he not?—Yes.

4960. Without any allowance for repairs, insurance, agency, bad debts, or anything; in fact, he pays upon his gross rent?—Certainly.

4961. If the rates were to be divided between owners and occupiers, I suppose that half the rate which the occupier paid before would be then put on to the rent?—That must be so, on the assumption that the rent is correct at present.

4962. Then if the income tax is paid upon the gross rent, would not the owner have to pay income tax upon that amount which is a substitute for the increase of rates, namely the increase of rent?—That would be so as things stand at present.

4963. And that would be a considerable hardship, would it not?—I should think so: assuming that half the rates were added to the rent, as they would be if the investment rose to what it ought to be, that is to say, its proper income, and you continued still to charge upon the full rent, without making any reduction for rates, repairs, insurance, and agency, as you do now, the tax would

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would of course be paid upon the half of the rates as well.

4964. Do you know enough of the income tax law to be able to say whether the owner would be able to escape that additional payment upon the half of the rates?—If he were honest he could not.

4965. That would be a very great hardship, would it not, because the owner would be paying upon what he never could put into his pocket?—I think it would be a hardship for a man to pay upon income that he did not get into his pocket.

4966. *Chairman.*] Can you calculate what the amount of this grievance would be in the case of a rent of 100 *l.* with a 5 *l.* rate put on, and with the income tax at 4 *d.* in the pound?—That would depend upon the township and the amount of the rate.

4967. Assume the case of a house or a farm of 100 *l.* rent, with rates put at 10 *l.*, of which 5 *l.* would be paid by the owner, that would raise the rent from 100 *l.* to 105 *l.* if the owner recouped himself for the whole rate, would it not?—Yes.

4968. Then the additional income tax which the owner would pay would be the income tax upon that 5 *l.*?—Of course.

4969. With the income tax at 4 *d.* in the pound, that would amount, would it not, to 1 *s.* 8 *d.*?—Yes.

4970. Therefore the grievance in this particular case of a farm of 100 *l.* a year would amount to 1*s.* 8*d.* in the pound?—Yes.

4971. Sir *Massey Lopes.*] But what would be the grievance when the income tax was, as it was during the Crimean war, 1 *s.* 4 *d.* in the pound?—Of course it would be four times as much.

4972. Mr. *Rathbone.*] You stated, did you not, that it was felt to be a grievance that those who paid rates had no representation in the county administration?—I think I scarcely used so strong a term as the word "grievance;" there is a general feeling that they ought to be represented, and that it would be more consistent with propriety if it were so.

4973. You also said that you thought it very desirable that the owners should be represented on boards of guardians, whether a change was made or not in the present system of levying the rates?—Yes.

4974. Do not you think that if the owners were represented to any appreciable extent upon those boards without any part of the rates being directly levied upon them, that would also be felt to be a grievance?—Some already pay rates, and I suggested that certain other expenses should be placed absolutely upon the owners, such as buildings, and so on; and taking those things into consideration with other matters of which I have alluded to, I think it would be well that they should be represented on boards of guardians, and other representative bodies, and should have power to act.

4975. Granting that it is desirable that the owners should have a real and appreciable representation upon those boards, do not you think that it would be much simpler if the rates were levied half of them directly on them, so as to bring home to them the expenditure at once?—I do not see any reason for charging the owner with half the rate. I cannot see that there would be any practical advantage in it, and there would certainly be inconveniences and objections of an administrative kind.

4976. You stated, did you not, that the expenditure on pauperism had very much decreased in every township in the Lancaster Union?—I spoke of the union generally, and I think there is not an exception.

4977. To what do you attribute that decrease?—I think it is in a very great measure owing to the better administration of the board of guardians, and the regulations of the Poor Law Board, and the improvement in the law.

4978. Do you think that there has been that better administration from your happening to have good officials, or a good board of guardians, or has there been any change in the policy adopted by the board of guardians?—The policy is certainly changed as compared with the period before the union and all the administrative details are conducted upon sounder principles, and are more diligently attended to. I may state, as the result, that when the union was formed in December 1839, there were 210 paupers in the workhouse of the township of Lancaster, and at present there are only 105 paupers in the workhouse of the union, and there has been no special circumstance in our union to account for all that diminution; there has been no very special prosperity.

4979. How do you consider that the reduction has been effected; has there been the same reduction in the number of out-door paupers?—Yes; still greater.

4980. Was that from a new body of guardians coming into power, or their having more efficient officers, or to what do you attribute this decrease?—The administration before was by the overseers without any regulations or any well-defined principles; they had no experience or supervision; of course now the thing is entirely changed in all respects.

4981. *Chairman.*] Going back to the point upon which the honourable Baronet examined you, supposing that the owner put on the 5 *l.*, which was half of the rate, and that he had to pay a few shillings more, say as much as 10 *s.* more, income tax in consequence, he could make the rent 105 *l.* 10 *s.* as well as make it 105 *l.*, could he not?—Yes, of course he could make any arrangement that the tenant would be willing to submit to.

4982. So far as the owner was concerned, he would be able to indemnify himself against the charges placed upon the increase in the same way as he could indemnify himself against the increase itself?—I do not know that it is a question which would affect the value of the property to the tenant.

4983. But if the property were under lease, the owner would not be able to throw it off in that way?—Of course if it were under lease the terms of the lease would be in operation till the expiration of it.

4984. Sir *Massey Lopes.*] You are probably aware that just now the annual amount which is levied from real property for those purposes, namely, poor rate and county rate, is 11,000,000 *l.* per annum; the proposition, as I understand it, is that half those rates should be paid by the owner, and I want to know whether, if such an arrangement was carried out, the Chancellor of the Exchequer would not obtain an increased income tax on 5,500,000 *l.* by that means?—Of course, if half of the entire of the rates were paid by the owner, and the owner to that extent increased his rent, there would be an increase of the charge in respect of income tax.

4985. On

4985. On five and a half millions more of real property than at present?—Upon the amount that the rent was raised to in consequence of the owner having had to pay half the rates.

4986. *Chairman.*] Whether those five and a half millions would be added to the rent would depend, would it not, upon whether the owners would be able to raise their rents in every case to the full extent?—Precisely so; it would depend upon that fact, of course.

4987. But in the exact proportion that the owners were not able to increase their rents, it would come from the pocket of the owners, and then this grievance, which is apprehended, would not take effect?—It would not take effect except to the extent that the rent was raised.

4988. Do you believe that the owners of houses and of farms over the whole country would be able to recoup themselves the full amount of the half which is placed upon them; is it conceivable that they would be able to raise the rents in every case to the full amount?—I think that competition brings matters of that kind to a level in time. It would take a number of years, of course, to set any question of that kind right, but one assumes that the rent paid for all kinds of property is what the public, with capital to invest, consider ought to be paid.

4989. Mr. *Acland.*] You gave your answer to the honourable Baronet on the assumption, as you said, that things go on otherwise than as they are; that assumption of course colours the whole question?— I cannot say what would actually be the result of such an arrangement; I can only say that one supposes generally that rents will rise to what they ought to be, whatever the outgoings may be, either by the owner, or by the tenant.

4990. If your opinion is quoted as supporting that which has been suggested to you by the honourable Member, your opinion must be taken with that qualification, that it is assumed that the income tax is to continue to be levied as it now is under very different circumstances?—Of course it necessarily supposes that the arrangements are as they are at present.

4991. When you stated just now, if I understood you rightly, that landowners would not at all be affected by the transfer of half of the rates to them, did you consider that in the case of a landowner possessing 1,000 *l.* a year (the rates being 21 *s.* in the pound) his half-share of the rates would be something like a lump sum of 50 *l.*, and would it not come home very much to the landlord in settling accounts with the receiver of of his rents or his agent once a year, whether on every 1,000 *l.* a year he is paying 40 *l.* or 50 *l.*; would not it bring the matter much more home to him than it is at present?—I did not venture to say that it would not affect the landlord, because I think it would for a time.

4992. The point was whether the landowners would feel a more keen interest in the rising or the falling of the rates, and you appeared to say that they would not; what I wish to ask you is, would not landlords, in the annual settlement of their rental with their agents, have to feel in a large lump sum what the rents were, whether they were rising or falling, and would not that give them a more direct interest in the rates than they now have?—It might bring it more strikingly before their notice, but I think that landlords generally feel that their rents are influenced by the rate that their tenants pay; they have certainly a feeling of interest in their rates at present.

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4993. Mr. *Pell.*] What is the practice in Lancaster, where a man has property in small houses and pays the rates and taxes; does he pay income tax upon his full rent, or does he pay income tax upon something less than his rent where he pays the rates and taxes for the tenants?—I only know it incidentally, but I have a knowledge that in the case of the owners of cottages paying the rates, and representing it to the surveyor, a deduction is made to that extent.

4994. Mr. *St. Aubyn.*] When you speak of small houses, up to what limit do you mean?—Those that are rated under "The Poor Rate Assessment and Collection Act, 1869."

4995. Sir *Massey Lopes.*] Do you know any case where that is so with regard to land?—The owner is not required to pay the rates in any case upon either land or houses in our union except under that Act.

4996. But do you know a single instance in which the owner of land has any remission with reference to income tax in his gross rent?—No, I am not aware of any.

4997. He pays up to the hilt, does he not?—So far as I am aware, he does.

4998. *Chairman.*] The parallel between the two cases being this, that in the case of cottages, the owner sometimes does pay the rates below a certain line, but in the case of land he never does?—That is so.

4999. Therefore the claim on which the owners of cottage property sometimes have remission, has never existed in the case of land?—That is so. In the Act of last Session it is provided that land is not to be regarded as a tenement to charge the rates to the owner.

5000. Colonel *Brise.*] Are we to understand that in Lancaster the owner, in the case of houses under 6 *l.*, only pays the income tax on the rental after the rates are deducted?—I have been told that in the case of a person holding property of that sort a deduction will be made from the value in respect of the rates paid by him; that is to say, he will only be charged on the amount of his rent less the rates that he pays.

Tuesday, 10*th May* 1870.

MEMBERS PRESENT:

Mr. Backhouse.
Colonel Brise.
Mr. Corrance.
Mr. Fielden.
Mr. Goschen.
Sir James Lawrence.
Sir Massey Lopes.
Mr. Pell.
Mr. Rathbone.
Mr. William Henry Smith.
Mr. Walter.
Mr. Wheelhouse.
Sir Hedworth Williamson.

THE RIGHT HON. GEORGE JOACHIM GOSCHEN, IN THE CHAIR.

Mr. JAMES INNES, called in; and Examined.

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5001. *Chairman.*] ARE you a merchant in the City of London?—I am an owner of property in the City; I am not a merchant.

5002. Are you an owner of house property?—Yes, I own a good deal of house property in various parts in the City and elsewhere, but my chief interest is in the City.

5003. Have you given your attention to a considerable extent to the question of the value of house property?—Yes, I have.

5004. And I think that in your dealings with house property, and the interest which you have taken in it, the subject of the taxation of house property has occupied you a good deal?—Yes, it has.

5005. Could you state to the Committee, in the first instance, what rates are levied in the City of London?—First there is the consolidated rate; I think the limit in the City, with regard to the consolidated rate is 1 *s.* 6 *d.*; it varies from year to year, but at the present moment it is 1 *s.* 2 *d.* in the pound. There is a ward rate of ½ *d.*, a sewers rate of 4 *d.*, a main drainage rate of 3 *d.*, a militia rate of ½ *d.*, and a police rate of 5 *d.*, making 2 *s.* 3 *d.* for the City rates altogether. Then there are the poor rates, which are rates varying very much in different parishes; the average at present is about 1 *s.* 2 *d.* in the pound. My experience I should say does not correspond with the printed returns which I have seen; at least I happen to have an interest in about 12 or 15 parishes, and the average of those parishes differs a good deal from the printed returns; perhaps there may be something in the general average in the City which I do not know, but that which I am paying myself is 1 *s.* 2 *d.* in the pound; this is a good deal in excess of what I see printed as the average. There is another charge which varies in the City very much, viz., the tithes, and that exhausts the charges. In one or two parishes in the City, the tithe remains as high as 2 *s.* 9 *d.* in the pound, and in others it is down to ½ *d.*, or something of that kind. The average I am paying myself for tithes is 6½ *d.* There is, besides, the house duty, if that is necessary to be paid, but it is paid, I imagine, to a very small extent in the City.

5006. Could you tell the Committee as preliminary information what kind of property you are mainly interested in?—I am mainly interested in large properties which have been rebuilt of late years, and are let out to a great number of tenants, tenants who hold sometimes for a few years or sometimes from year to year. I have other property which I let to single tenants, but the chief interest that I have is in large property which I let out to a variety of tenants, none of it residential; I have not a residential tenant in the City. I think the average of the tenancies is about 100 *l.* a year. I may say that I am also a director of a company; I did own at one time a much larger quantity of City property, but I sold it to a company, and I am a director of it; therefore I have the information of the company.

5007. Will you explain why you do not pay the house tax?—Simply, because it is too expensive. The law of the house tax is a little confusing at the present moment. As it was formerly you might have a porter in the house at night, and he might sleep if he thought proper in a chair, but if there was a bed the house became liable for taxation. The result was, that in those large houses, assessed at perhaps from 2,000 *l.* to 3,000 *l.* a year, it was a great deal too expensive to have people with beds, and consequently the utmost that ever has been done has been to allow the person who took charge, if there was a person taking charge, to have a chair in the hall to repose in. In the last Session there was a clause introduced into some general Act (Act 32 & 33 Vict. c. 14, not bearing, I think, upon the house duty), saying that whenever a servant slept in a house only for the purpose of taking care of it, that house should not be liable for house duty; that is the way in which the law stands; but in no large house in which I am interested is there any person at night so occupying it as that the house becomes liable to the charge.

5008. The law, is in fact, that house duty is not paid upon offices unless they are used for residential

residential purposes?—It amounts practically to that.

5009. You are aware that shops pay 6 *d.* in the pound, as compared with 9 *d.*, the rate for inhabited houses?—Yes; I have managed in some way or other to avoid the tax; the amount I pay is so exceedingly small, that I have not troubled myself much with the minutiæ of it, but it has been suggested to me in certain cases, that I might claim a reduction from 9 *d.* to 6 *d.*, from the house having a shop in front.

5010. Are there some houses in which you are interested upon which you pay, and which are inhabited?—Only small houses, perhaps rated at a couple of hundred pounds a year. I do not know, but I should think very likely I pay house duty on half a dozen small houses; in some cases, I congregate half a dozen housekeepers in the same house.

5011. The house tax appears to be assessed in this way, on inhabited houses, 9 *d.*; on shops, 6 *d.*; and on houses simply employed as offices, there is no tax at all?—Yes.

5012. I presume that if the house tax were extended to all offices in the City of London, it would materially affect the total amount which is raised?—Materially, and most unfortunately for us.

5013. Do you see any ground why, if shops are taxed, offices should not be subjected to the house tax?—I think we suffer so many hardships already with our offices, that I should be very sorry to have any other one added to it.

5014. Will you state to the Committee what the consolidated rate is?—I am sorry to say I cannot state all the purposes to which the consolidated rate is applied, but it answers, generally speaking, I think, to what you would call the improvement rate in other parts; it is a general district rate of the City.

5015. More or less equivalent to what would be the borough rate in municipalities, I presume?—I presume it would.

5016. But the City has large funds of its own for certain purposes which are defrayed from the corporate funds, which makes it less necessary to raise a high borough rate, and thus there is no borough rate?—There is nothing that goes by the name of borough rate or county rate.

5017. For the purposes of watching and lighting, for instance, the rates are collected, I believe, with the consolidated rate?—I believe they are.

5018. What is the ward rate?—The ward rate is something very small. A ward is constituted of a number of parishes, associated together for administrative purposes; and the ward rate is for defraying the expenses of such administration.

5019. The sewers rate of 4 *d.* is levied by the Commissioners of Sewers, is it not?—Yes.

5020. What is the main drainage rate?—The main drainage rate applies to all London; the amount has to be raised for a certain number of years, to discharge the cost of the main drainage already completed. [*Note.*—There is now a consolidated rate demanded by the Metropolitan Board of Works, under the Act 32 & 33 Vict. c. 102. This includes the cost of the fire brigade, and supplies the means for sinking fund and interest of loans raised by the board. The amount of this rate in the City is 3 *d.* in the pound.]

5021. The main drainage rate being the amount which is paid to the Metropolitan Board of Works?—Yes.

5022. The Metropolitan Board of Works raises, practically speaking, I think, over 6 *d.* in the pound, of which 3 *d.* goes for the main drainage, and 3 *d.* for its general purposes; do you know in which of those rates the 3 *d.* to the Metropolitan Board of Works for their general purposes is included?—I do not.

5023. Do you divide those rates in your mind at all, according to the class to which they belong?—Yes, I think I can do so. It would appear to me that the consolidated rate, the main drainage rate, and the poor rate, are rates which might be considered with reference to both landlord and tenant.

5024. Do you see any ground for putting the ward rate, the sewers rate, the militia rate, and the poor rate upon the landlord?—I do not see any ground for doing so in respect of the first three.

5025. Do you see any ground for putting the main drainage rate upon the landlord?—Yes, I think that there is ground, or at least there is some reason why the landlord might pay a portion of the main drainage rate; it is for a permanent improvement which was not anticipated at the time a great number of leases were entered into; it is something unusual in legislation, and something that is added to the permanent value of the property, and reduces the probability of taxation in the future.

5026. Have you considered at all the propriety of throwing any of the burthen of the main drainage rate upon the owner of the property as regards existing contracts?—Of course there is great difficulty in dealing with existing contracts, but the principle of dealing with existing contracts was adopted in the income tax, and therefore there is a precedent for it. It forms part of the general question as to whether it would be right to throw a certain portion of the taxation upon the landlord as well as upon the tenant.

5027. Were you an owner of property at the time when the income tax was first imposed?—No, my ownership of property to any extent would not go back above 14 or 15 years.

5028. Were you at all aware from what you had heard, and from the attention that you have given to the subject in years since, that it can be truly said that the income tax, when it was imposed upon house property, was an interference with existing contracts?—I take it that the usual words of a lease are these: that the tenant shall pay all taxes, whether Parliamentary, parochial, or otherwise; the income tax is a Parliamentary tax, and consequently, taking the letter of the law, it is a violation of the contract.

5029. Do you believe that those words were used in leases prior to the imposition of the income tax?—I have no doubt of it.

5030. Do you consider that the income tax is paid by you, as an owner of property, on your property, or is it paid by the occupier?—I should answer that it is a part of the general question. I take it that rent is one form of interest paid for the use of capital lent to a man; a rent which the man agreed to according to circumstances which he knew at the time, and therefore to throw an additional burden upon the landlord is certainly to give him rather less for the use of his property than he stipulated for: but there may be reasons, and no doubt there are reasons, which would justify it.

5031. Quite apart from the question of complaint of old or new contracts, do you think that

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the imposition of the income tax was calculated to lessen the rents?—I think not.

5032. Do you find, practically, that there have been considerable variations in the rates since you have been interested in property?—There has been one most important variation, and that is in reference to the poor rates; that is the only important change there has been since I have had experience in these matters.

5033. But the rates have increased, have they not?—Yes, the tendency has been towards increase, and the scale of rating in the City has increased very largely.

5034. Do you mean that the aggregate expenditure has increased?—Yes; I mean to say that the rating value which has been put upon a house, the amount at which the house has been rated, has increased very much indeed.

5035. Has it been put up nearer to its true value?—Sometimes, I think, beyond its true value; but the tendency has been within the last few years to assess on a high scale, whereas, previously, it was to pass the amount at something very low. If you will allow me, I will give an instance of one property belonging to the company of which I am a director, and in which I have an interest; that was assessed at 8,500 *l.* a year, but upon strong representations, and going into the matter, the assessment was reduced to 3,100 *l.*; I merely give that as one instance, and it is a very strong one. The way in which the rating has been carried on has been very much by the assessors fixing a high assessment, and then throwing the burden of proof that they have charged too much upon the occupier.

5036. But the City is supposed to be assessed very much nearer the rack rents than most parts of the metropolis, I believe?—I should think far nearer to the rack rents than in other cases.

5037. Could you state to the Committee what the gross rental was of that property which was assessed at 8,500 *l.* a year, and which was reduced to 3,100 *l.*?—The gross possible rent, that is to say, on the supposition that every room in the house had been let, was 4,700 *l.* a year.

5038. How did the assessment committee arrive at the figure 8,500 *l.*?—By the habit of the assessors being to fix some very large sum, and to think that the people were skilful enough to earn it.

5039. I presume that that was a building with a great many tenements?—Yes, with a great number of tenements.

5040. So that it would have been necessary to ascertain the exact rent which was paid by the occupiers of all those tenements in order to arrive at the exact conclusion?—Yes, that would be so.

5041. Do you pay the rates, or do your tenants pay the rates?—The company of which I am a director pay all the rates, and the tenants pay a rent which covers whatever charges are paid.

5042. So that in fact all the rates are paid by the owner?—It is a leasehold property, and the rates are upon the beneficial owners.

5043. Has the company, or have any of the trustees in whose names this property stands, any voice whatever, or if so, what voice, in administering those funds to which they contribute so largely?—Simply the opportunity of their secretary attending and voting; they can be represented at the vestry by one person, by the secretary or by the chairman; the City is exempt from the General Vestry Act, and therefore it is different from the metropolis generally.

5044. As far as you are aware, do the owners in London take any interest in the administration of any of those rates?—I am sorry to say they have very little opportunity afforded them of doing so.

5045. So far as you are aware, are the names of the owners put upon the register for municipal and parochial purposes?—Only if they are occupiers as well, unless there has been a change lately, which I do not know of.

5046. An owner would be obliged to claim to vote as an owner at the vestry?—I think he would.

5047. Will you state the difference in the arrangements as regards the Vestry Act in the City of London?—The General Vestry Act of the country gives votes according to the amount at which people are rated; that is to say, that if a man is rated at 50 *l.*, I think it is, he has one vote; if he is rated at 100 *l.* he has two votes, and so on up to a certain amount. The City is excluded in that Act.

5048. You have no plurality of votes at all?—No, we have no plurality of votes.

5049. Does your experience point to the desirability of increasing the basis of interest by making the owners liable for a certain proportion of the charges, and admitting them to vote at the meetings at which the expenditure is ordered?—I think it would be an improvement, because nothing can be more miserable than the present way in which those local matters are administered. There is one striking instance which I may venture to give. In one parish, in which I am interested, there was a question of settling the tithe; it was proposed, in a small parish only rated at about 17,000 *l.* a year, to settle the tithe in perpetuity at 2,600 *l.* a year. Notice was sent round to everybody who was entitled to attend, and yet at the vestry, which carried it out, there were only 13 people present, including the rector and churchwardens.

5050. What had been the tithes up to that point?—The tithes had varied, being so much in the pound; they had been from 1,600 *l.* to 1,700 *l.* a year.

5051. What amount in the pound?—Two shillings in the pound, a compromise upon the 2 *s.* 9 *d.*

5052. In fact, the owners of property in that parish were paying 2 *s.* in the pound, and it was a matter therefore of very considerable importance to them how that tithe was settled?—Yes, it was a matter of great importance.

5053. Nevertheless, no interest whatever was taken in it, so far as attending the meeting?—None at all; in fact, the probability is that those who were most deeply interested could not have attended, because they would not have been in the position of parties who paid the rates themselves, and thus became entitled to attend.

5054. As owners they would have no voice?—As owners they would not have been entitled to attend.

5055. Do you attribute the non-attendance of owners generally upon these matters, affecting their property in the City, to the deficient arrangement for their fair representation?—Not entirely, but I should to some extent. The owners of course are scattered, and there would be other reasons, I think, besides want of power.

5056. If there was anything that interested the owners at all it would have been such an arrangement

ment of the tithe, which was of more interest to the owner than to the occupier?—Far more interesting I should imagine, because it was in perpetuity.

5057. Who paid the tithes at the time, the owners or the occupiers?—The occupiers.

5058. How did this arrangement, made by the occupiers, affect leases?—It caused no change of any kind, except that an extra amount, in the first instance, was paid by the occupiers; but gradually that was diminished. That parish is a remarkable case. It was, in the year 1864, rated at about 17,000 *l.* a year, and it has since been rated at 52,000 *l.* a year. I was one of those who assisted in making the bargain. I anticipated a very considerable advance in the rates, and I got it settled at 2,600 *l.* a year; but that is an instance how the property had been previously underrated. The rating of that parish was 17,000 *l.* a year, and it since has risen to upwards of 50,000 *l.*

5059. The 50,000 *l.* being probably nearer the truth than the 17,000 *l.*?—Yes, a great deal nearer.

5060. Sir *Massey Lopes.*] Was it raised under the Union Assessment Act?—Yes, it was.

5061. *Chairman.*] This arrangement, involving the settlement of a question, was made without the owners having any voice in the matter?—Without having any voice at all, some of them being dissatisfied with the arrangement.

5062. The occupiers took a heavier burthen upon themselves for the first year, but a lighter burthen at the later portion of their tenure?—Yes, and that was one very great difficulty which we experienced in carrying out this bargain, which was immensely desirable for the parish, because a certain man said, "I am only a tenant for a year;" and another man said, "I am only a tenant for one or two years, why should I burthen myself, for the interest of the parish, with an extra rate."

5063. This was a case of the occupier practically varying the contract with the owner by his own action?—It was so.

5064. Which was to the advantage of some owners and to the disadvantage of others, according to the length of the leases?—Yes, that was so.

5065. Are there any other instances known to you showing the inexpediency of the system which throws the settling of local matters on to the occupier?—The general answer which I should give is this, that the work is exceedingly badly done. I remember a case in one of the City parishes, a year or two ago, where a matter was referred to a committee, and the committee called the vestry together to receive their report. The report was signed by the chairman, and as soon as it was presented somebody got up and raised an objection to it; the chairman, and every single person in the committee, excepting one, voted against the report which they had printed the day before. I thought that was the most remarkable case of thoughtless people attending a vestry I ever heard of; but the vestries in the City are conducted very much in that way.

5066. Do I understand you generally upon this head to mean that you believe that, as an owner of property, you practically are bearing the burdens which are imposed upon that property?—Certainly.

5067. And that you would like to put the taxes more directly upon the owner, in order to secure a better representation of the owner and a more efficient management of the funds?—I think there would be an advantage in that.

5068. As an owner of property, you are not afraid of the burden being placed directly upon you instead of indirectly?—No, I should not be afraid of it. As an owner of property I should not like too heavy a burden thrown upon me, without the power of recovering a certain portion of it from my tenant. Supposing I was an owner of property, and had let my property for so much a year and could not recover anything at all from my tenant, and the outlay was not to improve my property very much, I should not like the tax to be heavy; I should very willingly bear a moderate tax, thinking it might be useful.

5069. I understand that you do not think, even as an owner of property, that it would be absolutely unjust to throw a portion of the taxation, which is now being incurred, upon you, notwithstanding your contracts with your tenants that they are to pay all the rates and taxes?—I think that a certain amount of taxation might not unfairly be thrown upon the owner.

5070. Can you state to the Committee any grounds for that?—I think I can. There is scarcely a place that could have been worse managed during its rebuilding than the City has been; its streets, as it is well known, are exceedingly crowded. There have been constant opportunities of carrying out improvements at a comparatively moderate cost; that is to say, in the most crowded thoroughfares houses have been pulled down and rebuilt, where the space ought to have gone to widen the street. There has been consideration as to whether or not the space occupied by those houses should be used for that purpose; but the feeling on the part of those who have the power of carrying it out and would have to raise taxes has been so strongly against the charging of the occupier with the whole, that they have allowed opportunity after opportunity for improvements to pass away.

5071. Then your evidence goes to this, does it not, that you think that the owners ought to get more power in arranging permanent improvements and so forth, and then you think that the power would naturally follow the taxation?—I think so; and it would be worth paying something for that, certainly.

5072. Can you see any other advantages that the owners derive by the increased security which is afforded them for recovering their rent, through the improvement of the property in their neighbourhood?—Yes, certainly; I will take an instance which occurs to me particularly at the present moment in the new street, Queen Victoria-street; I observed it stated in the papers the other day, that there was one plot of 2,400 feet, not a large plot, let at 2,400 *l.* a year, that is 1 *l.* per superficial foot; that capitalised may be considered as equal to about 50,000 *l.*; I say 20 years' purchase, because it is such a very large rental. An outlay of 5,000 *l.* would be sufficient, if there were no special agreement to the contrary, to utilize that land.

5073. Do you mean that a house built upon that land could be raised for 5,000 *l.*?—Yes, easily raised for 5,000 *l.*

5074. So that the house put upon the ground would be worth 5,000*l.*, and the ground itself would be worth 50,000 *l.*?—Yes, in round numbers.

5075. The building rent therefore would practically be a tenth of the ground rent?—Yes, it would,

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would, and consequently the only margin which the owner would have would be this 5,000 *l.*, the value of the building put upon the ground, so that the owner is deeply interested in the improvement of the district; he would suffer very much from its degradation, because if that district were to degrade at all, that 5,000 *l.* margin would very soon be gone. Consequently he has a very strong interest in the well doing of the neighbourhood. Then supposing by an improvement rate being charged, he contributing a moderate sum towards it, there could be a general improvement, a security would thus be given to him which perhaps he could not otherwise have.

5076. Your point is this, is it not, that where the ground rent or the capital invested in purchasing freehold land is in very high proportion to the building capital, or the building rent, in those cases the owner retains a very great interest in the improvement of the neighbourhood?—Yes; he has a great interest in the improvements.

5077. If the security of the house built is not sufficient, there is no margin in case the value of property should fall in the neighbourhood?—It is so.

5078. Would you not consider that that was a very extreme case?—Yes, it is. It was that which fixed itself in my mind as an extreme case.

5079. Would you apply the principle to any except an extreme case, or do you think the case is so extreme that it constitutes an exception which one ought to overlook?—Perhaps I may be allowed to give another instance with regard to that subject. The Charity Commissioners raised a great objection to it, in the first instance, but they allowed the arrangement afterwards. When a tavern which is close to the Sun Insurance Office was let, it was let at about 800 *l.* a year, or thereabouts; but almost immediately afterwards the lease was sold, a lease of only 21 years, for 10,000 *l.* premium. The people who bought this lease for 10,000 *l.* premium, wished to be the owners of the freehold, and they negociated and arranged a purchase on the condition of placing in the funds an amount sufficient to produce a sum equal to the ground rent of 800 *l.* a year of rent into the funds, and to let that be the amount paid for the freehold. When they came before the Charity Commissioners, the Commissioners said: "Here is a lease of 800 *l.* a year sells for 10,000 *l.* premium; surely the reversion at the end of 21 years is very valuable, and therefore more than that 800 *l.* ought to be put into the funds." The subject was investigated, and the Charity Commissioners were persuaded that the 800 *l.* a year was something so large that to have that rent, or an equivalent, secured in perpetuity, was a sufficient recompense to the estate, although that lease had sold for 10,000 *l.* premium.

5080. In the suburbs of London, where building is not yet much developed, what sum would the increase of rent produce in building leases?—I suppose that average land at Wimbledon, and thereabouts, would sell for about 1,000 *l.* an acre, as it would let for about 50 *l.* a year.

5081. Then the buildings by which it would be covered might represent what?—They might represent 10,000 *l.* or 12,000 *l.*

5082. In such a case as that, the buildings put upon the ground would be ample security for the ground rent; what interest would the ground landlord have in such a case?—He would have this interest, that although his ground rent would sell as a well secured ground rent, the number of years' purchase which it would bring would depend somewhat upon the general state of the neighbourhood; and a well secured ground rent in a neighbourhood generally good and satisfactory in every way, would bring a larger number of years' purchase than in a neighbourhood where the rent might be considered fully secure, but at the same time not to be collected from such a satisfactory class of people as in the other case.

5083. What I understand you generally to mean is, that the landlord, who has settled to receive a certain rent for a certain number of years, is not so devoid of any interest in the property as it is generally assumed, for although during the time he is receiving the ground rent he has no control over his property, yet he has an interest in the development of the neighbourhood, more or less?—I think he has, and he shows it by his contract. Although the rent he may have to receive is something very small when he parts with his property, he ties his lessee down by all sorts of conditions; he is to be allowed to inspect the property from year to year, and his lessee is not to alter it without his leave. He reserves to himself the strongest control that he possibly can hold over the property.

5084. What you have said would apply chiefly to improvement rates, would it not?—Yes.

5085. Would it apply, in your opinion, to the poor rate?—I speak feelingly with regard to the poor rate, because, having considerable interest in the City when I acquired that interest, all I was taxed was 6 *d.* in the pound, and I gave my price for the property upon the calculation that that was to be the expense for the poor. Now, by the arrangement of throwing the expense of the poor over the whole metropolis, into hodge-podge, that 6 *d.* has got up already, as I have said, to 1 *s.* 2 *d.*, and how much higher it is to get I do not know. The poor-rate, certainly, does not arise out of my occupancy of the house; it has nothing in the world to do with my being an occupier, and this charge comes upon me; therefore, I do not see why the owner of the freehold should not assist me out of my difficulty.

5086. You speak feelingly upon the subject, considering that you, as owner of the house, have paid the difference?—I do.

5087. But your tenants would not afford a fair instance, would they, of occupiers generally, because they do not feel the payment of the rates?—They do not feel it at all; it all falls upon me.

5088. Where there are no leases, I should like to know your opinion, whether the payment of additional poor rate is an occupier's grievance, or an owner's grievance?—The tenant certainly has the power of very soon correcting it. In the first instance, it is the occupier's grievance; but when the time comes for giving notice, or having the terms of the lease renewed, the tenant certainly has the power of protecting himself to some extent, by saying, I will not pay the same rent as I did before.

5089. I am speaking of the tenure where the landlord has the power, and the tenant has the power of carrying on, or not carrying on, the contract as to the rent?—There, unquestionably, it is more an owner's question than it is an occupier's.

5090. But that is not the general opinion in the

the metropolis, is it?—I do not know; it certainly is my opinion.

5091. When you hear of a ratepayers' association, does it generally represent an association of landlords, or an association of occupiers?—I do not know, I never belonged to one; I have tried to think out these subjects for myself, and I have not belonged to any public body of any kind.

5092. Do you think that the present system rather involves the result, that both parties fancy that they are paying the same tax?—Very likely; certainly it is a complex subject, and in addition to its being a complex subject, some people jump to very rapid conclusions.

5093. Where you have house property not let to tenants such as occupy your offices, but separate houses, you say, do you not, that you pay the rates?—Yes.

5094. The present result is, that you feel the increase of taxation when it is too late to remedy it, or to have any voice in the administration of it?—Yes.

5095. The occupiers pay the most of it in the first instance, and have the control of the expenditure?—Yes.

5096. But ultimately it falls upon the landlords, who have no voice in the administration?—Yes, to some extent.

5097. As regards the tithes, in buying property have you taken that into consideration as one of the outgoings?—I did not in the first instance, because I did not know what the law of tithe was, but I should do so now; many people have been desperately disappointed when they have found this heavy charge coming upon them without their having taken it into their consideration.

5098. When you have bought property, or your company has bought property, have you carefully considered the amount of rates and other charges that are imposed upon it, in order to determine what price you will give?—I always do so myself; or if I have any voice in advising, I always look at the rates as an important element in the price.

5099. It is looked upon as an element of the price which you can afford to give?—Yes, certainly.

5100. And, *cæteris paribus*, if the rates charged are high, you give less, and if the rates charged are low, you give more?—Yes, certainly.

5101. So that the seller is the person who is really affected by the weight of those charges?—Yes, certainly.

5102. In your leases of houses, which are let to separate tenants, are there any cases where they contract that they should pay the income tax?—None.

5103. It would be illegal if you were to do so, would it not?—I believe it would be illegal.

5104. You do not consider that the clause in the Income Tax Act, which prevents you from throwing the fluctuation of the income tax upon the tenant, is a dead letter?—No, not at all.

5105. As a matter of fact, the fluctuations of the income tax are thrown upon the owner, and if the income tax rises or falls, you have to bear those fluctuations?—Yes, it falls on the owner.

5106. Even in the case of a long lease?—Yes.

5107. If it is 1*s.* in the pound you pay more, and if it is 4 *d.* in the pound you pay less?—Yes.

5108. Those fluctuations are borne, are they not, by those who are interested as owners, either as owners of houses, or as owners of ground rents?—Yes; in the income tax, the way in which we regulate the amount is this, that each person, according to his degree of interest in the property, contributes towards the tax. For instance, supposing I was dealing with a house which was assessed at 3,000 *l.* a year for the income tax, and I had to pay 300 *l.* a year ground rent for that house, I should deduct the proportion which attached to that 300 *l.* a year from the person who received it, and then bear the difference, 2,700 *l.* a year myself, as having a beneficial interest up to that extent.

5109. In levying the income tax upon that large building that you spoke of, composed of a number of tenements, do the Income Tax Commissioners allow a deduction for the rates that you pay?—They do, but not for the repairs of the house.

5110. Do they allow a deduction for the poor rates?—Yes, the poor rates they allow a deduction for, but not for the repairs.

5111. As far as you are aware, is it the practice to allow for all rates that are paid by the landlord?—It is.

5112. Mr. *Pell.*] On a scale, I suppose; not in each individual instance?—No, not in each individual instance. The income tax is generally assessed upon an approximate amount.

5113. Mr. *Corrance.*] When you speak of getting the assessment down to 3,000 *l.*, did you mean that the total rates in the parish or union were lowered?—No, I meant that that assessment for which I was charged the larger amount I got reduced to the smaller amount.

5114. Was any public valuer employed to do that?—No; it was the result of giving the details.

5115. It was upon your own testimony?—Yes.

5116. You have spoken of this large increased value of rateable property from 17,000 *l.* to 50,000 *l.*; that was the effect of the Union Assessment Act, was it not?—Yes, it was.

5117. As a matter of experience, do not you think that the present augmented value assigned to rateable property arises a good deal from the application of the Union Assessment Act?—I consider that it arises from the re-assessment; therefore, I presume that, to whatever extent the Union Assessment Act has set the machinery in motion for the re-assessment, it is due to the Union Assessment Act.

5118. Then the augmented value shown is not real?—In many cases it is not real; in some cases it is real.

5119. *Chairman.*] There has been an enormous increase in the value of property in the City, has there not?—Yes, enormous, and also a very large amount of rebuilding. The same area of ground is covered by much larger houses than it was before.

5120. It would give a false impression to imagine that the enormous increase that there has been in the City of London arose simply from the revaluation?—Certainly.

5121. Mr. *Corrance.*] You have stated as a reason why the main drainage rate ought to fall upon the landlord, that it is a permanent improvement?—I did not mean the whole of it; what I meant was this, that it would be fair to class the main drainage rate amongst those rates of which the landlord might pay a portion.

5122. Because it was a permanent improvement?—Yes.

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5123. You have stated, have you not, that the poor rate also might be thrown upon the landlord?—Yes, but for a different reason.

5124. Not because it was a permanent improvement?—No, certainly not, but for a different reason.

5125. Mr. *Walter.*] You spoke of a class of tenements in which you are interested, in which the owners, that is you yourself, have contracted with the tenants to pay the rates; what class of tenements are those; what is the average amount of their rents?—Taking the company's rent and my own, which gives one the best information, and which would apply perhaps to 400 or 500 tenants, I think the average is a little more than 100 *l.* a year.

5126. What is the total annual average of the rates; is it 2 *s.* in the pound?—I think the rates I gave just now come close upon 4 *s.* in the pound.

5127. That would be nearly 20 *l.* upon each occupier?—No, that would not be so, because although each tenant would pay on the average 100 *l.* a year, the assessment would not be at 100 *l.* a year; in the first instance, there would be an allowance for taxes, and an allowance for the trouble of collecting, and so on.

5128. Supposing that you took 50 per cent. off, that would leave 10 *l.* a year?—Yes, it would leave that no doubt.

5129. Supposing those rates were taken off entirely, or very materially reduced, do you conceive that the owners of property would receive the same rent, or that they would be forced to make an abatement to their tenants; is it your opinion that the reduction so effected would go into the pockets of the occupier, or of the owner?—In the first instance, I presume, that the saving would be in favour of the person who had to pay the amount; but that after the contract had expired, there would be a re-adjustment of the sum between the two parties, and the question of rates would form no doubt an important element in the re-adjustment.

5130. The result of that re-adjustment really would determine the question, would it not, as to which of the two parties paid the rates, the owner or the occupier?—Yes; a good deal would depend upon the supply and demand at the moment, and various other circumstances. As a matter of course, supposing I were competing for property where there were no rates, or very small rates, I should be willing to pay a higher rent than I should do if the rates were heavy; but, as I say, it is part, no doubt, of the very complex question, in which are involved the various interests of owner and occupier, consumer, and so on.

5131. There would be, in fact, a number of disturbing causes independently of the mere reduction of the rates which might affect the amount paid by the occupier?—I have little doubt that there would be.

5132. And therefore, in that point of view, you could not undertake to pronounce absolutely as to which of the parties the rates really fall upon?—I have no doubt that the tendency of reduced rates would be for the owner to get a larger rental than he does at the present moment; that is to say, if I was going to become an occupier of property where I should have to pay the rates, and I knew that I should have to pay lower rates than before, I should be more anxious to be an occupier; and consequently the first tendency would be that I should be willing to pay rather more rent than before, but I would not say that it would swallow the whole amount.

5133. Mr. *Smith.*] In other words you mean that an occupier, or a person intending to be an occupier, in making his estimate of the total cost of the premises that he desires to possess, puts the taxes on the one hand and the rent on the other, and the two together make up the rent or the cost to him?—Yes, unquestionably.

5134. So that if the taxes fall the rent might rise, or if the taxes increase the rent would be subject to deduction?—Yes.

5135. You have, I think, in the City two owners before you reach the occupier, usually, have you not; you have the owner of the ground rent and the owner of the building?—Yes; and then comes the occupier. In some cases it is all in one.

5136. You represent, in a great measure, the second class, the owner of the building interest?—Yes, I do.

5137. You pay the ground rent for your property, do you not?—Yes.

5138. In entering into your contract with the owner of the ground, you take into account all the charges to which you expect the building to be exposed, and the liability to rates; you make your estimate, and that estimate, I apprehend, is a covering estimate, is it not?—Yes, it is.

5139. So that if the rates stand at 3 *s.* 11½ *d.* you would charge or expect to receive a rent which would fully cover those rates, and something more?—Yes, as much more as I could get.

5140. But the result would be that you would not enter into a bare speculation which would merely leave you 16 *s.* in the pound?—Not intentionally; I may have done it by mistake.

5141. But the result of the system is, that the investor of capital is always careful to secure himself against the possibility of an increase of rates as far as he can?—That is to say, if at the time he was entering into the contract he anticipated an increase of rates; but probably, under the circumstances, most people have entered into transactions taking the rates as they found them, and thinking it was as probable they would fall as that they would rise.

5142. But inasmuch as you paid the rates for your occupier, you endeavour to make a profit out of the payment of those rates?—Unquestionably. The course that I take, and I daresay it is the same which other people would take, is to get the best rent I can, regardless of cost; if I make a bad bargain I cannot help it; if I make a good bargain so much the better. The rent that I get is not regulated at the moment by the rates, but it is by the demand for the offices which I have got to let.

5143. But your readiness to enter into the speculation depends upon your own estimate of the profit to be obtained after the payment of the ground rent, and after the payment of the rates?—Yes, and of interest of capital, &c.

5144. You spoke of a difficulty with regard to owners taking a part in local management, can you suggest any mode in which, in the City of London, the two classes of owners of whom you speak could take part in the management of local affairs?—I presume that the principle of legislation is such that if the owner were burthened with taxes then he would be admitted to a share in the management. He might perhaps be admitted otherwise, but there is a certain process, I think,

I think, by which a man becomes entitled to vote by a direct burthen being cast upon him.

5145. I quite understand that he would be entitled to vote, but, as a matter of practice, how could he; would he be able to take part in the local management of affairs in the City, because, as you are aware, he is non-resident as a rule?—There is a strong instance in the Tithe Act of the country. The Tithe Act of the country allows tithes to be settled and appoints how people are to vote, and only gives to the beneficial occupier a right to vote in common with the owner. The vote for settling questions of tithe is with the owners of property, and the beneficial occupier, and the man who is not supposed to be the beneficial occupier is excluded from the right of voting. That, I presume, was done under the idea of its being a fixed charge to endure for a number of years, and that the owner ought to be represented. It is the strongest case that I remember of the owner being represented in the management of property.

5146. But, as a matter of fact, a very large class of the ratepayers, and those who are generally interested in property in the cities, do not take any part in parochial affairs?—Such is the case, and the same thing might go on if they had the power of doing it, but it seems they have not had that opportunity as yet to any important extent.

5147. You spoke, did you not, of the mode of voting being peculiar to the City, there being no plurality of votes?—Yes, that is simply because the City is excluded from the general Vestry Act of the country.

5148. Are you of opinion that a plurality of votes would be desirable?—I think it is by far the fairest system. I know one case in one of the City vestries where a man in receipt of parochial charity has voted, and has had considerable influence in carrying some of the arrangements of the parish in reference to large matters; he is a shoemaker in the City who receives the parish funds.

5149. Mr. *Backhouse.*] The ground in Queen Victoria-street is let on 99 years' building lease, is it not?—It is let on a long lease; I do not know how many years. I only saw it in the papers. I have no further knowledge of it.

5150. Sir *Hedworth Williamson.*] I think you said that in the case of an increase of rate the occupier, if under lease, would have a speedy remedy against the owner by declining at the end of the term to renew his holding?—He would have an opportunity of recouping himself to a certain extent, no doubt, only he might find it exceedingly inconvenient to quit his premises.

5151. In the City, where there is a great deal of competition, would not it be almost inoperative, because you being an owner the occupier has always been obliged to come to you again, because if he did not make terms he would not get anywhere else to go to?—I am sorry to say I do not find it so; there has been an extra supply of offices.

5152. Then it is a question of supply and demand?—Yes.

5153. Your company pays the rates; why do not you advocate the owners having representation; you have a chance, have you not, your company paying the rates, of being represented in the parochial body, and yet you do not do so?—I happen, individually, to be directly interested in most of the principal parishes where the company have property; and where it is any matter of interest I have generally gone in my own character, and that has tolerably well answered the purposes of the company.

5154. Mr. *Fielden.*] What is the deduction made from the rent to arrive at the assessment for the poor rate?—The way in which large houses have been dealt with has been this: We will say the rent is 6,000 *l.* a year, that is, the gross possible rent that could be obtained, supposing all the rooms in a large house were let, then one-third has been taken off, so as to place that house on a fair standing with a house let to one tenant; its rating would be reduced to 4,000 *l.* a year. Then the same deduction has been made which is made on all houses, which is 20 per cent.; that would be one-fifth off; the 4,000 *l.* would be reduced to 3,200 *l.* That is the rule that the assessment committees have followed, I believe. First of all, in the case of very large houses, where there are a great number of tenants, one-third is taken off to allow for the expenses of servants, porters, and the extra expense and trouble of management; and then it is still subject to the same allowance as an ordinary house, which is one-fifth.

5155. If it were held in one occupation only you get one-fifth off?—Yes. Nothing in the world can be more confusing, according to my experience, than the assessments; they are the most haphazard calculations that you can imagine.

5156. Colonel *Brise.*] I think you spoke of property of your own which the overseers or surveyors assessed at 8,500 *l.* a year, the actual rent being only 4,700 *l.* a year; was that the actual rent after the deductions were taken off; was it net rental or the gross rental?—It was the extreme possible gross rent if every room in the house had been let.

5157. The rateable value, I think you said, was 3,000 *l.* a year?—They reduced the gross estimated rental from 8,500 *l.* to 3,100 *l.*, and they reduced the rateable value from 6,800 *l.* to 2,480 *l.*

5158. Then the rateable value is only 2,480 *l.*?—Yes, that is all.

5159. On a rental of 4,700 *l.* a year?—Yes; perhaps I may be wrong in saying 4,700 *l.*; I daresay it might be 4,600 *l.*, but it was thereabouts.

5160. How do I understand you to arrive at that deduction; would there be 20 per cent. for repairs?—The first thing that the assessment committee would have to do would be this, they would have to take the amount, we will say, of 4,500 *l.* as an easier sum; they would then take off 1,500 *l.*, or one-third, so as to reduce the amount of this large house down to the level of a house let out to one person.

5161. Then I understand you to say that you would not pay any inhabited house duty on this 4,600 *l.* rent?—None at all.

5162. You spoke of a vestry meeting in your part of London, and you said that the owners took very little interest in a particular vestry meeting that you had on one occasion; do you argue from that that if the owners paid half the rates they would take any more interest than they have done heretofore?—They would at any rate have had an opportunity of doing it, and the probability is that a certain number would have taken an interest in it.

5163. The cases under discussion may perhaps have

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have a particular interest to the owners, as I understand?—Yes, exactly so, but still the owners are excluded; they could not come unless the owner happened to be an occupier; a tenant from year to year would have a right to vote, whilst the owners of the property in fee could not have appeared *qua* owners.

5164. Mr. *Pell.*] You stated, did you not, that you are in favour of certain rates being divided between the owner and the occupier?—Yes.

5165–6. I find, on a calculation from your own figures, that the amount of the rates to be divided would be 2 *s.* 7 *d.* out of the whole total of 3 *s.* 5 *d.*?—Yes, I think that is so.

5167. That is really a very large proportion; you are in favour of a very large portion of local taxation, in the instances with which you are acquainted, being divided between the owner and the occupier?—I did not say a very large proportion; by the word divide, I did not mean an equal division; I meant shared or apportioned.

5168. Have you come to any conclusion in your mind what proportion should be paid by the owner, and what proportion by the occupier?—I think you would require to have a graduated scale. If the subject came before me, I should be very happy to think it out, but in the first instance, I should say that I think the circumstances are so different with regard to the length of leases, &c., that it would be necessary to have some graduated scale. In cases where leases had to endure above a certain number of years, there should only be a very small deduction, but if the leases had to endure for only a few years anything in the shape of an improvement rate, a rate which affected property permanently, should be charged in a certain proportion to the landlord as well as the tenant.

5169. Then the scale would have reference to the length of the lease not to the interest that the owner might have, whether his was the paramount interest or the builder's?—I should say that my idea would be this: that the scale would have reference to the nature of the tax; if it were an improvement tax, it seems to me that that is a tax for which there is the most reason that there should be a share paid by the landlord; in that case, the scale which I should form, if it rested with me, would depend a good deal upon the length of the lease.

5170. Would you admit that it would be a very complicated arrangement?—No, I think not; I should say that there would be a certain amount of complication; but, at the same time, not such an amount as would render it impolitic to carry out that arrangement.

5171. But the scale would not be a simple scale of universal application in the City as to what the landlord should pay in every instance?—It would be a scale of universal application, according to my idea.

5172. You gave us a case in the City of London where the interest which the owner had in the undertaking, if we may say so, that is the land and the building together, was worth 50,000 *l.*, and the interest that the builder had in it was only worth 5,000 *l.*; the 2,400 feet being covered by a building which would only cost 5,000 *l.*?—I do not mean to say that the interest of the builder would be only 5,000 *l.*

5173. Are we right in starting with this, that the lease having been signed, and having been settled with regard to the land on one side, and the building put upon it on the other, it would be as 10 is to 1, or 50 is to 5?—There would be, in fact, nine-tenths, you may say, of borrowed capital, and one-tenth the capital of the building-man.

5174. I understand you to say that, following out those instances which you yourself gave, the interest of the owner of the land which was so very much larger than the interest of the builder, that it was desirable to give him a direct representation in rating questions?—I do not consider that his interest is any larger; the largest interest that there is in it, if the lessee is sound, is really that of the man who has pledged himself to pay the rent and to build; but when you come to the capital that is embarked in it, one man has lent, we will say, 45,000 *l.* out of the 50,000 *l.*, and thus his interest is very great.

5175. What is the length of building leases generally in the City?—They vary from 60 to 99 years; I should say seldom exceeding 80 years.

5176. Supposing that there was an Act passed to divide the rates between the owner and the occupier, would you follow the mortgagee as the income tax does now?—That is a new question; at the first blush, I should say that I should not follow the mortgagee, because I assume that the mortgagee takes so much care in limiting the amount that he would lend, that he may well be considered to be safe; then his case is only that of a loan, subject generally to six months' notice.

5177. In your own instance, I dare say you have taken new leases within the last 10 or 12 years?—Yes; I have.

5178. In considering the question of what rent you should give yourself, did you entirely overlook the possibility of the improvement rate, for instance, becoming very much larger within the next 10 or 20 years, than it had been in the last 10 or 20 years?—Yes, I think I did; I do not think I took into consideration the probability of any increased rate; in the transactions that I have entered into, I had intended to have a margin corresponding with the amount of risk, but I do not think that I looked at that increased rating as a strong probability.

5179. You are a very large ratepayer yourself in London, and therefore largely interested in the question; can you tell the Committee with regard to that which is of vital importance to the ratepayers, how long this question of the Thames Embankment and the main drainage had been canvassed before the public, and brought under the notice of owners of property in London; for how many years had it been canvassed before it assumed the shape of an Act, which enforced the making of those improvements?—I cannot tell you that.

5180. Does not it come to this, that you have been relying more upon the rapid increase of value of property in the City, and disregarded all the charges that come upon it; you have relied upon such a rapid rise in the value as to put the new charges very much out of sight?—I am very happy to say that I have not thrown aside all idea of the charges, because they have always been a prominent idea in my mind, only I say this, that it has not occurred to me that it was probable there would be any large addition to the charges; in fact, the impression on my mind would have been that the charges generally would have fallen, because, from the amount of property increasing rapidly, it would

would be likely that the charges being spread over a larger amount of property, there would be a tendency to fall. This case of the poor rates which I have alluded to is something exceptional; it is not anything which has resulted out of the working of those properties themselves.

5181. Do you think that you yourself get this increased taxation which has come upon your building out of your tenants who occupy your houses?—I am sure that I have not in the first instance.

5182. Then you have made a bad bargain, as far as those leases go?—As far as those rates go, I have lost by them, but I cannot help it.

5183. Having made a bad bargain, you would be glad to put some of that burthen upon the landowner?—Not at all; I would bear it as quietly as possible, but I have not got to the full extent of it yet. I say that as it is, it has been a constant rise, and there is a tendency to higher rates.

5184. I suppose there is no doubt that this change in the poor-law has hit you in the City?—Exceedingly severely.

5185. And *pro tanto*, it has helped those outside the City?—Yes; or rather it will help them. It has not helped them much yet.

5186. Would you reverse the legislation, and say that the gain to those outside the City should be divided between the two contracting parties, that there should be a return to the freeholder, for we have evidently got this, that you wish to divide the loss; and if there is a loss here and a gain there, did not you think that the gain ought to be divided?—Supposing that I was a leaseholder in Bethnal Green, and that on my land the poor rates were 4 *s.* in the pound, of course in hiring the property I should have taken that 4 *s.* into consideration, and calculated it in the rent. As far as the poor rate is concerned, I should have 16 *s.* in the pound clear rent, subject to other deductions. Then the new law comes in, which throws those rates into hodge-podge, and the result would be that, instead of 4 *s.* being deducted, 1 *s.* 6 *d.*, which is the present calculation, would be deducted, and therefore I should have 18 *s.* 6 *d.* in the pound, instead of 16 *s.*

5187. Ought not the landowner to get 9 *d.*?—If you mean this, that the tenant should be called upon to pay his landlord during the existing contract half the gain in rent, I imagine there would be a considerable confusion in it. Still, if you looked at the question with strict fairness, I cannot say that it would not be so; but it is absolutely impossible that there can be strict fairness in those things. All that you can do is to have that which is approximate. Take for instance the alteration in Holborn, Middle Row, being taken away, the ratepayers paid for the whole of the improvement. The owner at the back, whose house faced the alley, now faces the main street, and he gets perhaps almost as much advantage from those houses being taken away as the people in front lost. The settlement of all those things is so complicated that you are obliged to do acts which are not thoroughly fair.

5187*. But it is no more complicated, is it, with regard to the return to be made to the landlord than it is with regard to the charge which you propose to make upon him?—If the trouble of carrying it out was not greater than the advantage, I can say nothing against the fairness of it certainly.

5188. Sir *Massey Lopes.*] With regard to the house tax, you told us just now that in the case of the large houses in which you are interested in the City, which are used for offices, those houses have escaped the house tax?—All, excepting the small houses.

5189. I am speaking of those that are used for offices, where the house is large?—That is so.

5190. Does not it appear to you that it is rather a hardship, as regards shops, that they should be charged with the house tax, and that offices should evade that tax?—I think the idea of the house tax is, that it is a tax charged according to the kind of house in which a man resides; as far as I have any recollection of the general principle of the house duty, it is that the house duty is a fair test of a man's means, and it is with reference to his place of residence, not to his place of trade. No warehouse is taxed; no brewery is taxed; and, in fact, no place of business is taxed, excepting there happens to be somebody residing there.

5191. You say that a house should be rated to the house tax in proportion to the means of the person who occupies that house; surely you would admit that many persons who occupy those offices are far better off than other people who are living in houses in the country; we will say that are worth 20 *l.* a year, the sum at which people are liable to pay the house tax?—The tendency of legislation has been the other way, because last year there was a fresh exemption passed by Act of Parliament.

5192. *Chairman.*] I understand that whoever has those offices would live in a house somewhere?—Yes, and he consequently pays house duty.

5193. Sir *Massey Lopes.*] He pays upon his own house, but he is getting his means and his income from those offices?—And paying his income tax upon his earnings there.

5194. Still he evades the house tax?—He does not pay the house tax.

5195. I think I may further ask are not those gentlemen who live in those offices more concerned with personal property than with real; they are, perhaps, interested in railways, shipping, and other matters?—I have no special knowledge upon that subject.

5196. I think you have defined rent as the interest for capital that was lent to an individual?—It is a form of interest.

5197. If the owner paid one-half the rates, as is proposed, the occupier would surely have to pay a proportionate increase of rent, according to your definition?—Unquestionably, both parties being free, the tendency on the part of the owner of the property would be to try and get so much more rent; and there are a certain number of cases where the owner would, beyond all question, be able to throw upon the occupier, whatever extra charge was put upon him. A considerable proportion of the land in the country is let by favour by the owner to the occupier; that is to say, the owner takes less than the rental value of the property, and I believe that that applies to a great deal of property. One case I heard of where a large owner considered that the church rate ought to be paid; and he sent round a circular to all his tenants to say that he should pay the church rate whether the tenants liked it or not; and if a tenant did not choose to pay it, he should make his rent so much dearer next year. He exercised the power that he had, and I have no

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doubt that owners in the country generally would be able to exercise that power to a very considerable extent.

5198. If a law was passed to-morrow for a division of the rates between the owner and the occupier, you, in your own instance, and the company in which you are interested, would immediately put some additional rent, would you not, in substitution of those rates, upon your tenants?—No; my rental is regulated by the demand that there is for the property, regardless of the cost.

5199. You would desire to put upon the occupier this increase of rates which is now about to be placed upon you as owner?—I do not think it would enter into my calculation. I have certain property to let, and I should try and get as much rent for that property as I could, whether or not it only recouped me or gave me a large profit.

5200. Did I rightly understand you to say, that if the poor rates were put upon you to-morrow, as an owner, you should not think it necessary to place any additional rent upon your tenants?—No, I do not let by favour; I let in the City at the best rent I can get from a good tenant; I let at rack rents; I do not mean to say that I let at a rent which is really so extravagant that I am sure to get a bad tenant; but at the best rent I can command under the circumstances, regardless of the question whether it gives me a good profit or no profit at all.

5201. Do not you think that if any proposal of this kind was carried out, it would be necessary to disturb existing arrangements between landlords and tenants?—It of itself would be a disturbance, but I do not see what necessity there would be for anything but the disturbance itself in saying that the tenant was entitled to deduct so-and-so from the landlord.

5202. You stated just now, did you not, that you thought many properties were let by favour?—Yes, but that applies more to the country than London.

5203. In many of those properties the arrangements have not been disturbed, have they, for a series of years?—Yes, that is so.

5204. Do not you think that it is very probable that if any alteration of the present arrangement were made, which this would be, the landlord would most probably say, "We will have a revaluation of the estate"?—I think it might lead to that in some cases.

5205. And do not you think that that would be the tendency?—Yes.

5206. If that would be the tendency, do you think that it would be of any advantage to the tenant; would it not rather tend not only to additional rent in proportion to the rates put on, but an addition of rent probably for the value of the estate?—I think not; I think, as in the instance that I gave with regard to the church rate, that the landlord, who perhaps was conferring a favour upon his tenants, would say, "I have let it them for so-and-so, but now there is an additional burden cast upon me, I shall tell my tenants that I think I may fairly ask them to pay me something more in consequence of that."

5207. Then you do not think that there would be any pecuniary benefit to the occupier if the rates were divided?—I do think that there would be. I think, in the first instance, there would be an important benefit to the occupier if the rates were apportioned. The exceptional case which you were putting was this: where the landlord lets his property on favourable terms to his tenants, giving them, in fact, the property at less than its value as a matter of kindness, and then being charged with something extra, saying to the tenants, "I shall add it to the amount that I have taken from you;" that is an exceptional case; but supposing a law were to be passed that a tenant was entitled to deduct from his landlord a certain portion of the rates, that would unquestionably be in his favour in the first instance, and then when there came to be a re-adjustment of the arrangements, very likely the landlord would get back a certain portion of it, and alter his position.

5208. Then you do not think that there would be any permanent benefit to the occupier?—I am far from saying that I think that probably there would be no permanent benefit.

5209. Do you think that a division of the rates between the owner and the occupier would tend to reduce the rates at all, as there would be greater economy in the administration, for instance?—If it brought in better managers, I should say that it would tend in the long run to a reduction in the rates, or to the property being made better than it was before, and conducted in a better way.

5210. Did I rightly understand you to say just now that, even if the rates were divided, you did not think the owners would attend?—Pardon me; I thought they would attend to a certain extent, but I do not think it would absolutely secure the attendance of the owners.

5211. You were saying just now as to property, which you particularised, the ground rent was 2,400 *l.*, do you see any reason why that ground rent should not be charged with rates?—As I said before, my thoughts went in the direction of an improvement rate.

5212. But speaking generally, do you see any reason why ground rents should not be charged with the rate, or why they should be exempt either in existing contracts or fresh contracts?—I should say that in existing contracts there is no reason why ground rent should have a reduction made from it, or should be disturbed, excepting there was the probability that the owner, the person who received the ground rent, would derive some benefit directly or indirectly through improvements carried out by means of those rules. The only exception to this is, in the extraordinary change of late as to poor rates.

5213. Do you see the same objection with regard to future arrangements?—I see no objection in point of equity in the future, because both parties are free in entering upon their contract to make their arrangements according to terms which both of them know.

5214. You instance a case where the poor rate was only 6 *d.* in the pound a short time ago, and now it is 1 *s.* 2 *d.*; would not it be fair and just with that increased poor rate that the ground landlord should pay some portion of it?—I think this, that it would be fair that he should pay something under the circumstances, because this rate which is raised is not raised for the purpose of supporting the property, but it is a charge which attaches as much to the ownership of the property as it does to the occupancy of the property; it is a charge which has arisen since, and which was not contemplated at the time when the lease was entered into.

5215. Then you see no objection to the ground landlord

ndlord paying his share of any new imposi-
ons?—I see no objection to it in principle.

5216. You mentioned just now property in the
ity where there had been a vast increase in the
mount of assessment; has the intrinsic value of
hat property so much increased since the Union
ssessment Act of 1862?—I do not quite follow
ie meaning of the word intrinsic as applied to
alue; my idea of value is, that it is always
lative.

5217. We will take the year 1861 and the year
862; you had a vast increase in the year 1862
o the extent of the difference between 17,000 *l.*
nd 50,000 *l.*; had the value of that property in-
urred so much between those two years?—The
alue of property had not increased to that ex-
nt. The increase took place later.

5218. In 1864 it was 17,000 *l.*?—Yes, in round
umbers it was 17,000 *l.* at the time those tithes
ere commuted in 1864; and I think by the year
867, or at any rate soon afterwards, if not
ven before, it was 50,000 *l.* in round numbers.

5219. *Chairman.*] Had there been a re-assess-
ent in 1864?—No, it was the old assessment.

5220. Sir *Massey Lopes.*] How had that pro-
erty increased so much in value between those
wo years?—The increase of rent in the City
vhich took place from the year 1860 to the year
865 was something very large indeed; un-
recedented almost, I should suppose, in the
istory of any house property in the world.

5221. Supposing this arrangement took place
f a division of rates, the owner you say at present
ays all the rates?—The occupier is at present
ssessed for all the rates.

5222. But the owner pays them?—I did not
nean to say so.

5223. I understood you to say that at present
he owner paid the rates?—No, the occupier.

5224. I know that the owner does not pay
hem directly, but indirectly I understood you
o say the owner paid the rates; that is to say,
ot so much less rent?—I do not mean to say
hat the owner would not have got a larger rent
or his property if there had been no rates at-
ached to the property. I think that is exceed-
ngly likely, but I should be far from saying that
he owner paid all the rates.

5225. Are you speaking now of the property
n which you have an interest?—No, I am look-
ng at it generally; the property in which I am
nterested is regulated by the same rules as other
roperty.

5226. The Committee have had evidence from
everal witnesses, that the owner pays all the
ates; you disagree with them, do you?—I have
ad no evidence that has satisfied my mind of
hat. Any rate special to certain property falls
lmost entirely on the owner. Such, for instance,
s in the land tax, where the Roman Catholic
used to be charged twice as much as others.

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5227. Mr. *Rathbone.*] I think you stated, that notwithstanding any contract between the owner of the property, and those beneficially interested in the subsequent rent, that is to say, the occupiers, the State has the right to levy fresh taxation on that property?—I presume it has the right; and it has exercised it in the case of the income tax.

5228. That is to say, in cases of ground rent, such as we have been speaking of, and the stipulation between the owner and the occupier, there were three parties interested; the State having the power to levy taxation, the owner and the occupier, and the owner and the occupier had no right to contract the payment, or any part of it, out of the power of taxation?—I fancy they had not.

5229. You said that you regulated your rent, not on any footing of calculation as to what you paid, but what you could get; I suppose the amount that you can get is checked to a certain extent by the price at which other owners of property convert their property into offices and warehouses, and thereby come into competition with you?—It is; the only way in which it is checked, is by the offers that are made for property; there are various house agents employed to let property, and you take the best rent you can get, as those house agents bring offers in for the property.

5230. If you ask very high rents for property, people will go a little further off, and fresh builders will come and build fresh offices, and keep you in check?—Yes, but less in the City than anywhere else. Its special locality is a great point with an occupier.

5231. But even there that question does take place?—Yes; unquestionably there is no exception to the general rule.

5232. Mr. *Fielden.*] Is not this a fact, that a man who makes a profit by keeping a shop has to pay house duty, but a man who makes a profit by keeping an office, is exempt from house duty?—Not if the shopkeeper does not reside at his place; I have various shops which I have let where the shopkeeper does not reside. I think that in the majority of cases where I let shops, the shopkeeper does not reside, and is not liable.

5233. Mr. *Rathbone.*] Do you not consider that the house tax is a tax upon expenditure, whereas a tax upon warehouses and offices would be a tax upon property?—I take it the idea is that house tax is a tax upon a man for his place of residence, taking that as one of the easiest means of raising the necessary taxes.

5234. Colonel *Brise.*] Was not the house tax instead of the old window tax?—That was before I recollect.

Mr. JOHN MAY, called in; and Examined.

Mr. *J. May.*

5235. *Chairman.*] YOU are Clerk to the Guardians of the Macclesfield Union in the county of Cheshire, are you not?—Yes.

5236. Are you also acquainted at all with the municipal affairs of that town?—Yes.

5237. Have you held any office in connection with the municipality?—I am clerk to the local board of health, and my partner is the town clerk of the Borough of Macclesfield.

5238. That has given you an acquaintance with municipal affairs as well as poor-law matters?—Yes.

5239. Will you state to the Committee whether Macclesfield has a town council?—Yes.

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5240. And also a local board of health?—Yes.

5241. Are the local board of health and the town council the same body?—Yes; the same body.

5242. But with different functions?—Yes.

5243. And different officers?—Yes.

5244. And a different audit?—No: the same audit.

5245. Have they two clerks?—I am clerk to the local board, and my partner is the town clerk; my partner is probably the official clerk to the board, and I do the duty.

5246. Do they meet on different days?—Yes.

5247. Do they keep different sets of accounts?—Yes.

5248. Do they have different balances in the bank?—Yes.

5249. And different sets of books?—Yes.

5250. Will you describe the system of audit in both cases?—One auditor is appointed by the mayor, and two auditors are appointed by the municipal electors.

5251. Is that under a local Act?—Under the Municipal Act.

5252. And do those auditors audit the borough accounts?—Yes; the three auditors audit the borough accounts, and the accounts of the local board of health.

5253. But they do not audit the accounts of the board of health under the same Act of Parliament, do they?—Not under the same Act of Parliament.

5254. I mean do they have separate appointments?—There is no separate appointment; I believe in the Improvement Act which incorporates the Public Health Act, there is no provision separately from what is contained in the Public Health Act for a separate audit, but the borough auditors have always audited the local board of health accounts.

5255. Are they ratepayers?—Yes, they are ratepayers

5256. Do you see any reason why the local board of health should not be amalgamated with the town council; do you see any advantage in their being preserved as two separate bodies?—I do not think there is any advantage; they are one and the same body now, but as a matter of convenience they meet separately, because their functions are rather different.

5257. But they would have no statutory power to act as one body by Act of Parliament, they must keep their accounts separate?—They must do so.

5258. They raise their funds, I presume, in a different shape?—The borough rate which is levied by the council is paid out of the poor-rates in the township of Macclesfield, and in the two adjoining townships, parts of which are in the borough; the borough rate is collected with the poor rate by the same officer; the local board of health rates are collected by a separate collector and at different times, the basis being the same, the poor rate.

5259. The board of health levy a general district rate, I presume?—Yes, they levy a general district rate and a lighting rate.

5260. Are those two rates kept separate?—The rates are kept separate, but they are collected at the same time by one officer.

5261. In the demand note are the two separate?—Yes, they are separate.

5262. Are they kept in different accounts?—There are separate ledger accounts kept of the two rates. The general district rate is a rate of 1 *s.* 6 *d.* in the pound; the lighting rate is a rate of 6 *d.* in the pound, and they are kept distinct in the ledger.

5263. Is the general district rate in your town levied like all rates under the Public Health Act, with an exemption of 75 per cent. in favour of market gardens, land, railways, and so forth?—Yes, that is so.

5264. On the other hand the borough rate is levied with the poor rate?—Yes.

5265. And in the poor rate this exemption does not take place?—No.

5266. Accordingly the borough rate is levied upon all alike, whereas the general district rate is levied in a different proportion?—Yes.

5267. The purposes of the two rates of course not being identical, but being similar for the general advantage of the town?—Yes.

5268. Will you state what administrative local functions are exercised by the town council and what by the local board of health respectively, omitting the judicial part?—The town council attend to all matters of police, and they appoint various committees, finance committees, general purpose committees, and various other committees; and the local board have the management of the gas works; they levy rates for the maintenance of the roads, and for all sanitary purposes; and they administer those funds. The corporation also levies a water rate, and has the management of the water works.

5269. Will you state what the rates are which are levied in the borough?—The poor rate in Macclesfield amounts to 4 *s.* in the pound; that includes the borough rate.

5270. How much is the borough rate out of that 4 *s.*?—The borough rate would be 2 *s.* 2 *d.* in the pound probably.

5271. What other rates are included in and paid out of the poor rate?—A cemetery rate is now paid out of the poor rate.

5272. Is that specified in the demand note as a separate charge?—Yes, that is specified.

5273. Is the borough rate specified in the demand note?—It is in the two out townships, and also in Macclesfield, because it is there paid out of the poor rate.

5274. But where it is paid out of the poor rate, it is not, I understand, the poor rate simply but so much falls upon the cemetery rate, and so much upon the borough rate?—No, I believe it is not.

5275. The cemetery rate, I understand, is paid out of the poor rate?—Yes; that is paid out of the poor rate in Macclesfield itself, and that is specified.

5276. And is the cemetery rate separately levied in those two out townships of which you have spoken?—The cemetery rate is levied, and there it is specified.

5277. And there the borough rate is also levied separately?—Yes, separately levied, but collected at the same time by the same officer.

5278. What is the reason why it is collected separately?—Because only parts of the two townships are within the borough.

5279. That is to say, the borough boundary cuts the township in two?—Yes.

5280. Is not that an inconvenient arrangement in many ways?—It is inconvenient in some respects

respects, but it would scarcely do to extend it to the agricultural parts of those townships.

5281. Are the townships so large that the portion which is kept within the borough radius might be formed into a parish by itself?—Yes, in one instance, but not in the other.

5282. Is there any confusion as regards the county rate in those townships which are partly in and partly out of the borough?—None whatever.

5283. How are they levied; does the part outside the borough pay county rates?—Yes.

5284. And the part inside the borough pays none?—No, it pays county rate, exclusive of police.

5285. And the part outside the borough pays no borough rates, and the part inside does pay borough rate?—Yes.

5286. Then the distinction between those two out-townships is that half of it belongs for certain purposes to the county, and the other half belongs for certain purposes to the borough?—Yes.

5287. But both alike are in the union of Macclesfield, and they form one unit for the general purposes of the township?—Yes, they do.

5288. Then in the township which lies partly outside the borough the overseers collect the poor rate separately; that is to say, they would levy the county rate from those who are liable to county rate outside the borough, and they would levy the borough rate from those inside both separately?—Yes, that is the practice.

5289. Does the borough of Macclesfield contribute at all to the county lunatic asylum, or has it a lunatic asylum itself?—It has not; it contributes to the county asylum.

5290. How is the fund levied for that purpose?—That is also paid out of the poors rate; the precept comes to the guardians of the poor with the amount apportioned against the township of Macclesfield, and that portion is charged to Macclesfield in the union ledger.

5291. Will you tell the Committee how you deal with the part which is outside the borough; is the portion for the lunatic asylum kept separate from the county rate?—No, the charge is made upon the whole township, and in like manner is debited in the union ledger against the whole township, whether within the borough or without.

5292. There are 41 townships, are there not?—Yes.

5293. In the case of those townships that are outside the borough, the county rate is levied in the gross, I presume?—Yes.

5294. What is the rate in the pound?—The county rate would be from 3 *d.* to 4 *d.* in the pound in Cheshire.

5295. Does the connty rate vary over the different townships?—No, except with regard to the hundred rate; the bridges, of course, affect the apportionment of the county charges.

5296. We have had evidence that in Lancashire the county rate varies very much in different townships included in the union, according as they were liable to contribute to the several purposes; is that the same in Cheshire?—Yes, it is the same in Cheshire.

5297. Therefore there is not one uniform county rate of 4 *d.* or 3 *d.*; it varies all over the county, but it depends upon the number of charges to which each separate township is liable?—Yes.

5298. To go back to the asylum, what is the amount paid by the borough of Macclesfield to the county asylum?—The amount paid by the union to the county rate, which includes the asylum I can give you, but not for Macclesfield. The amount they paid during last year was 5,594 *l.*, and in the year preceding 4,196 *l.*

5299. I am anxious to know how much the borough paid; would it be as much as 500 *l.*, or 1,000 *l.*?—Not quite so much as 500 *l.*, I think.

5300. As far as you are aware, has the borough had any voice in the building of the county asylum to which it contributes?—Not any, except through the county justices resident in the borough.

5301. But who would vote as county justices, and not as representatives of the borough?—Precisely so.

5302. Has there been no Act passed that gave the borough a certain right of representation at the committee which manages the lunatic asylum?—No Act has been passed that I am aware of; Bills have been brought in, a County Administration Bill has been proposed, I think, to effect that object.

5303. At all events if there has been the power, it has not been exercised?—No; and I think it would have been exercised if we had had any power. At all events I should have known of it.

5304. With regard to the water rate, how much does it amount to in Macclesfield?—The water rate is paid by the consumers, and it is fixed not with regard to the assessment, but with regard more to the consumption by the individual.

5305. Were you obliged to borrow in Macclesfield in order to build your water works?—Yes.

5306. How do you pay it; first are the rates paid by the consumers, or have you got a separate rate for repaying your debt?—The proceeds from the water, and from all other sources of income, are included in the corporation accounts, and the instalments of the principal and the interest are paid from the whole of the funds so received.

5307. You have not what you might call a water rate?—No, we have no water rate levied upon a fixed basis; a separate water rate is made and collected by a separate officer from the one who collects the general district rate.

5308. The water rate is paid, not by anybody in his capacity as a ratepayer, but as a consumer of water, and in proportion to the water which he consumes?—Yes.

5309. He pays a price for the article supplied, but he does not pay a fixed price?—No.

5310. Mr. *Pell.*] Do they pay by meter?—Some of the manufacturers pay by meter; but cottagers and householders do not.

5311. *Chairman.*] Do they pay by a rough estimate, or in what way?—They pay by a calculation as to the comparative consumption.

5312. According to the size of the house?—Yes.

5313. As regards the police, how is that paid in the borough?—The police charges in the borough really constitute the borough rate; if it were not for the cost of the police, we should require no borough rate in the borough of Macclesfield, and therefore the borough rate, which really is the charge for the police, is paid out of the poors rate.

5314. Have you no police rate separate from the borough rate?—None.

5315. As regards the proportion that is paid to the county lunatic asylum, do I understand you that that is paid out of the poor rate, or out of

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of the borough rate?—Out of the poor rate by the guardians.

5316. Before it reaches the officers of the borough; that is to say, the precept is made upon the guardians, and not upon the town council?—Just so; not upon the town council, certainly.

5317. I presume that the town council keep an account as regards this payment to the lunatic asylum?—No, they do not; the guardians keep all the accounts.

5318. I do not mean as regards the paupers sent there, but as regards the contribution to the lunatic asylum?—The guardians keep those accounts; the corporation have nothing whatever to do with them.

5319. Are the lunatics who come from the township, which is within the borough, and which is not liable to the county rate, charged for at a different rate, or are they charged the same rate as paupers from the other parts, which do contribute?—The same; there is no distinction.

5320. Is the proportion which they pay towards the maintenance of the lunatic asylum a fixed charge, or does it vary?—The cost of maintenance varies slightly, but not much; the cost of structure varies considerably; for instance, at this time, a very costly building is being erected; I think some 40,000 *l.* was borrowed by the county during last year, for the purpose of erecting an additional county lunatic asylum.

5321. Are you acquainted with the Parliamentary Return which is made of the county treasurers?—I have a statement of the accounts of the county treasurers.

5322. But the annual statement of the county treasurers submitted to Parliament does not, as far as I am aware, contain the amount raised by loans?—The published accounts contain those particulars, but not the Return.

5323 You seem to be acquainted more or less with the county finance in Cheshire; have you any material source of income besides the county rate?—From the River Weaver, which is a navigable river in the county, tolls are charged, and all the surplus funds are paid to the county treasurer.

5324. Will you state a little more fully to the Committee the mode in which this revenue is levied and how it is applied?—It is levied by a toll upon the goods, produce, and merchandise, conveyed along a navigable river in the county. This River Weaver was rendered, I believe, navigable many years ago by the riparian proprietors, and finally handed over to the county. There has been a very large surplus during years past, and that surplus has been paid over to the county in reduction of the county rate. The amounts paid over lately have been smaller. Last year 5,000 *l.* was paid over, and the year before I believe the same amount.

5325. There was a time, was there not, when it reached about 18,000 *l.* a year?—Yes, I have all the particulars for 10 years.

5326. Will you state what it was 10 years ago?—In 1860, 8,000 *l.* was paid over to the county.

5327. What is the highest amongst those years which you have before you?—The highest was in 1859—£. 21,000.

5328. What made this great reduction in the amount received in 1860, in that one year?—The construction of new docks and alterations of the river, and extensions for the purpose of accommodating coasting vessels along the river to the salt mines.

5329. It was not a reduction in tolls or in receipts, but the expenditure was so much larger?—I am not sure that the tolls have not been reduced; that I cannot speak to, but it is expenditure I think; the average payments to the county for 10 years have been 11,400 *l.*

5330. Then you have received 110,000 *l.* in the 10 years?—Yes.

5331. This is the only source of income which constitutes an addition to the local resources of the county of Cheshire?—Yes.

5332. Under what board is this placed?—A board of trustees, consisting of upwards of 100 county justices, chiefly; within the last few years our ratepayers from some of the boroughs in the county have been admitted as trustees; Sir Edward Watkin proposed a few years ago, that there should be such an introduction in the representation from the various boroughs or towns in Cheshire, and several have been elected from time to time as vacancies have occurred, and the introduction of that element has been most useful I know.

5333. In what way are the interests of the ratepayers affected; is it not through their interest in the surplus?—Yes, they are very largely interested as county ratepayers.

5334. But as borough ratepayers, how are they interested?—They are interested, because they contribute towards part of the expenses of the county; they do not contribute to the police of the county; they pay all county expenses, except the police; they have their own borough police, and, therefore, they do not contribute to the county police; but in all other charges they contribute to the county.

5335. The borough does not, I presume, contribute to the county bridges?—No, the borough does not contribute to the bridges; I believe there is an exemption, which peculiarly applies to Macclesfield.

5336. Have you got a separate quarter sessions?—No, we have no separate quarter sessions.

5337. Do you contribute to the coroners, the weights and measures, and the militia?—Yes, and the maintenance of prisoners in the gaols.

5338. But, at the same time, the police is under the charge of the town council?—Yes.

5339. Therefore, the magistrates have not got the management of the police in the borough?—No.

5340. Has any inconvenience arisen from that separation of jurisdiction, that the gaol is under one authority, and the police under another authority?—I am not aware of any positive inconvenience; I have always believed that there would have been a great advantage in having them under one central authority; I know that the county police are very admirably managed under one officer throughout the whole county, and I think that there would be an advantage in combining all under one superintending authority.

5341. Would there be objections on the part of the Borough of Macclesfield to part with the control of the police?—Yes, strong objections; they have refused hitherto to receive the usual amount of payment paid by the Government in order to have the appointment and inspection and control within their own body.

5342. To what extent do the ratepayers suffer in consequence as a mere matter of pounds, shillings, and pence?—Not to any appreciable amount.

5343. What

5343. What would be one-fourth of the cost of the police?—The police cost last year 1,140 *l.*, and one-fourth of that would be 285 *l.*

5344. If Macclesfield had a quarter sessions of its own they would be relieved from contribution to various of those county purposes?—Yes.

5345. Can you state to the Committee the law and practice as regards what boroughs have separate quarter sessions, and what have not?—We have not any boroughs in Cheshire, I believe, that have separate quarter sessions.

5346. How has that arisen?—I think it would be in the first instance on the question of expense. It might have been deemed that it would have been more costly, but I am not aware of any reason.

5347. Have the county magistrates authority within the borough?—They have authority to levy county rates within the borough.

5348. Have they authority, and do they exercise their jurisdiction as county magistrates within the borough?—No, not within the borough; we have a separate commission of the peace for the borough, and they exercise their functions in the borough; the county police are confined to the county, beyond the limits of the borough.

5349. How is it as regards gaols, and prosecutions at quarter sessions?—They are a county matter, entirely.

5350. In such a large borough as Macclesfield, does not that lead to some inconvenience?—No doubt it leads to some inconvenience, but I cannot point out any.

5351. Where are the quarter sessions held?—At Knutsford, one of the central small towns in the county.

5352. Do you think that the possession of those tolls of the River Weaver has at all entered into the calculation of the ratepayers of Macclesfield, with regard to their remaining with the county; they would otherwise lose their share in those tolls, would they not?—Yes.

5353. Do you think that that may have been one of the reasons why they have remained contributory to the county rate, and have not pressed to have a quarter sessions of their own?—I am pretty sure that never entered into the calculation at all.

5354. Are the tolls levied upon the River Weaver subject to audit?—I cannot tell you what is the audit; the accounts are audited, I believe, by three of the justices.

5355. Is it a professional audit?—No.

5356. What are the gross receipts and outgoings from the tolls?—

5357. The tolls are administered by the board that you have mentioned, but those who pay the tolls have no kind of representation, have they?—I am not aware that they have any representation, unless they happen to be owners of barges or vessels. I have got the expenditure of each year, which of course would be relatively the receipts.

5358. What is the expenditure?—The average expenditure for the 10 years was 32,139 *l.* I have the amount of the general repairs, the cost of new works, the amount paid to the county, and the total; and the total expenditure for the 10 years ending 1869, appears to have been 32,139 *l.* annually; that would represent, I conceive, the receipts.

5359. Have you adopted the Compounding Acts in the borough of Macclesfield?—Yes, they have recently adopted the Assessed Rates Act of last Session: before that they had the compounding.

5360. Have they adopted section 4, the section which makes it universal or compulsory upon the owners?—They have adopted the one that makes it compulsory upon the owners.

5361. That applies to the poor rate, and through the poor rate to the borough rate, does it not?—Yes.

5362. But their arrangement for the general district rate is different, I presume?—It does not apply to that, but the owners pay upon all properties of 10 *l.*, and under, to the general district rate.

5363. The limit in the Assessed Rates Act being 8 *l.*?—Yes.

5364. Therefore the line of composition is different as regards the two rates?—Yes.

5365. And the allowances made are different in the two rates?—Yes.

5366. Therefore the owner of the same house would find himself taxed in a different way with different deductions for those two different rates?—Yes, in the same township for those different rates.

5367. Have you considered how far it would be desirable to consolidate the rates?—Yes; I think it would be very desirable, and effect a very great saving and be highly satisfactory in every possible manner.

5368. It would get rid of this anomaly of the owners paying in some cases, and the occupiers paying in others, in the case of compounding?—Yes, and the arrangement would be uniform.

5369. I presume you have this case in the borough of Macclesfield, that there may be a house rated at 9 *l.* where the owner would pay the one rate, and the occupier would pay the other?—Yes.

5370. That is not a theoretical case, but an actual case?—It is an actual case, and it very frequently occurs.

5371. Will you state to the Committee what is the process in the vestry of one of those townships by which the owners come on the register for vestry purposes?—The owners have votes under the old Act in proportion to their assessment, but only in the case of their being ratepayers.

5372. Must the owners claim to vote, or are they put on by a self-acting process?—It is not necessary for them to claim their votes in the vestry; but if they vote in the election of guardians it is necessary for them to send in a claim; they are permitted to vote in vestry without sending in a prior claim, if they are occupiers.

5373. But in the case of electing guardians they must send in a claim?—Yes.

5374. Occupiers on the other hand are put on without claiming?—Yes.

5375. Therefore the owners are at a disadvantage as regards the occupiers in the election of guardians?—The owners have never voted in the election of guardians in my union, though we have very sharply contested elections

5376. Will you state to the Committee to what you attribute their not having voted?—Because they have the utmost confidence in the elected guardians.

5377. In those contested elections, they do not probably have the utmost confidence in both sides?—It is never the interest of the owners to

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so great an extent, as to induce them to claim to be admitted to vote.

5378. They have got confidence in the majority of the ratepayers?—Yes, they have confidence in the majority of the guardians.

5379. That is meant to say, that while half the ratepayers have got no confidence in the other half, the owners have confidence in whichever half might win?—Yes, they have confidence in the constituted authorities that are elected.

5380. Why should they not take their share of the duty allotted to them by Act of Parliament in the same way as occupiers?—I think, if the business of the guardians had not been satisfactorily conducted, they would have done so, because they do so in very many unions, but they never have done so in the Macclesfield union.

5381. Still, as you have had contested elections, it shows that the general opinion amongst the ratepayers was not in favour of one exclusive body?—It has been more a political matter than otherwise.

5382. Then the owners have no politics?—The owners have never interfered.

5383. Do you not attribute their taking no part in the management of affairs partly to the trouble which is occasioned them by claiming their votes?—No, I do not think that has been the reason.

5384. Will you explain to the Committee the process of voting in the vestry?—The voting in vestries is by popular election, unless a poll is demanded; and if a poll is demanded, then the ratapayers vote in proportion to the amount of their rates, and the owners in the same way, if they are ratepayers. In like manner, in the election of guardians, a ratepayer who is assessed at under 50 *l.* is entitled to one vote, and above 50 *l.* to two votes, and so on, to 250 *l.*

5385. The owners have no plurality voting in vestry, have they?—They have not.

5386. The plurality of voting is in the election of guardians, but it is not in the voting in vestry?—No.

5387. On what matters have the vestry jurisdiction in one of those townships; have they the election of overseers?—Yes.

5388. What other functions do they perform?—Very few, indeed; no functions of any use whatever.

5389. There are three elections, I presume, besides the Parliamentary election that would occur in any township in the borough of Macclesfield; there is the municipal election, there is the election for guardians, and there are the proceedings in the vestry in the election of overseers?—Yes.

5390. All those three elections being conducted on what may be called a different register?—Yes; and then there is the election for the borough members also on a different register.

5391. So that, practically speaking, you have four registers?—Yes.

5392. The conditions of voting being different in each case?—Yes.

5393. And the owners having a different position in all?—Yes.

5394. In the vestry an owner can vote in the same way as an occupier with a single vote?—Yes.

5395. In the election of guardians he has plurality of voting, but he must claim before he can vote?—Yes.

5396. In the election of borough Members, he has no position at all, and in the election of the town council he has no position?—He has no position. And there is another register of voters for the election of members of the town council, and a repetition of expenses in the preparation of those registers.

5397. Will you state who prepares those three registers, or in fact is there any register at all for the purposes of the vestry?—None, except the rate book.

5398. Is not the rate book also the register for the purpose of the election of guardians?—Yes.

5399. Will you explain how it is that the owner has to claim in the one case and not to claim in the other?—From the state of the law, the owner is entitled to vote if he happens to be a ratepayer; if he is an occupier, both in the vestry and for the election of guardians.

5400. You have stated that the owner has a vote in the vestry whether he claimed or not; but he must send in his claim in the case of the election of guardians; will you explain if he is on the register, which is the rate book, why he is obliged to send in his claim at all?—His name appears on the rate book as an owner.

5401. In the case of the election of guardians, does not that give him a claim without having to send in a claim?—No, it does not; not in the election of guardians.

5402. What is the process that he has to go through?—He must send in a written claim before a certain day in the year. I think it is the first of February.

5403. What is done with this claim?—The claim is received by the overseers, and a register of owners made out.

5404. Has that ever been done?—Never, in my union.

5405. Not a single owner has sent in a claim?—Never since its formation in 1836.

5406. Mr. *Smith.*] Do you suppose that any owner is aware of his right to claim?—Yes, it is made known by the fact of its appearing on the voting papers when there is a contested election, so many votes as owner, and so many as occupier, and there is a place for the signature at the foot of the voting paper for the ratepayer if he votes in respect to his position as a ratepayer, and there is another place for the signature of the owner if he votes as owner; therefore it makes it a matter of general notoriety where there are contested elections for guardians.

5407. *Chairman.*] When there is a poll in the case of the vestry, must not the owner claim his right to vote, although an owner?—The owner is not entitled to vote in vestry unless he be a ratepayer.

5408. For all practical purposes the Committee may assume that owners take no interest in Macclesfield, either in the election of guardians or in vestry meetings, or in any other way?—In vestry meetings they do if they are entitled to vote, and I think they are, because all parties attend there if there are overseers to be appointed, and that is the most important part of the duty now, except the preparation of some voting lists; the owners may attend if they are entitled to vote, and I think they do.

5409. They have not the same confidence in the ratepayers, in the case of the vestry, that they have in the election of the union guardians?—There are always two parties, and the object is to appoint either one or the other; the owners on one side support their friends and the owners on

on the other theirs, and that is the reason probably for the controversies in the vestries.

5410. Surely that same remark would hold good in the election of guardians; do you not think that the great difficulty in claiming to vote is really what constitutes the difference in the two cases?—I do not think that has been the cause with us. I think the claim ought to be removed; that an owner ought to have the same opportunity as an occupier; and that it would be a barrier in many instances if the owner were put to the trouble of sending in a written claim at a fixed time.

5411. In the municipal affairs there is no representation of the owners at all, is there?—None.

5412. Where the borough rate is compounded for it is paid by the owner, is it not?—Yes.

5413. In that portion of the Union where composition has been adopted, it is paid by the owner?—Yes.

5414. By the Small Tenements Act the owner has thereby entered into the rights of the occupier?—Yes.

5415. Do they exercise those rights?—Yes.

5416. On what occasions?—I do not remember; it was rather to the exclusion of the occupier than that the owner should exercise the right which the occupier possessed.

5417. But they did obtain, as a matter of fact, under the Small Tenements Act, rights which the occupier lost; did the owners of compounded property take part in parochial affairs?—Yes, because they were ratepayers then.

5418. The fact of their paying rates out of their own pocket induced them to take part in public functions which are generally discharged by occupiers?—Yes, it enabled them to do so, and they availed themselves of the opportunity.

5419. But generally speaking where they do not pay rates, whether they pay the poor rates indirectly or not, they do not care to exercise their rights?—If they do not pay rates directly or indirectly they take no interest whatever; the payment of rates is certain to ensure an interest.

5420. Then if a portion of the poor rates were placed upon the owners, do you think that that would have any effect in securing their attendance?—I do not think it would, because they pay the rates already.

5421. How do they pay the rates already?—They pay them indirectly.

5422. You stated, did you not, that whether they paid them directly or indirectly, they show no interest in the rates now?—Where they neither pay them directly nor indirectly, they show no interest.

5423. But in what case is that?—It was in reply to your question, as I understood it, that I said that.

5424. You said that they took no interest in the election of guardians?—They have not done so in my union.

5425. Though they pay the poor rates indirectly?—Yes.

5426. So that it seems that directness of payment has something to do with it?—But then they are very careful watchers of the proceedings of the board of guardians. Many of the owners are ratepayers, and therefore are entitled to vote as respects their own houses or manufactories. There would be very few owners who really have not a vote in the election of guardians, but they would not have the plurality of votes that they would have as owners.

5427. Do you find that the large occupiers utilize their plurality votes?—Yes, in the election of guardians they do.

5428. As clerk to the board of guardians you may be able to state to the Committee what is your experience of the attendance of *ex-officio* members?—*Ex-officio* guardians in our union very rarely attend in large numbers. They only attend on very special occasions to support the acting and more intelligent part of the board. Their influence is very useful on special occasions, but they do not frequent the board meetings, at least not in my union.

5429. What would be the proportion of *ex-officio* members to elected members in your union?—We have, I think, 50 or 60 elected guardians, and 14 or 15 *ex-officio* guardians. That would be about the proportion, I think.

5430. Has the question of county administration occupied your attention at all?—Yes.

5431. Has there been any feeling with regard to the non-representation of county ratepayers in the affairs of the county?—A very strong one. We have petitioned Parliament frequently in favour of measures which would admit of the representation of ratepayers or members of boards of guardians.

5432. Is that because they pay rates without having any share in their administration?—That is one reason; and they believe that the introduction of the ratepaying element might be useful in the deliberations upon the expenditure of the county. Although the county funds in Cheshire are administered very satisfactorily, yet I am sure, from my observation, that if members of the boards of guardians and perhaps highway boards, or other ratepayers, were to join the county boards, it would be most useful and advantageous in very many respects.

5433. But there is no allegation, is there, of the funds administered by the justices having been extravagantly administered?—Not extravagantly administered; there is a feeling that more economy would be produced if the ratepayers had a voice in the expenditure of the larger sums, and of the smaller sums also.

5434. Would the ratepayers be content if the county rate were put upon the owners, and to have the administration left with the owners?—No, I do not think they would.

5435. Why not?—Excessive expenditure would be kept down by introducing the ratepayers, and excessive expenditure is always baneful as an example.

5436. You mean that possibly the boards of guardians might take advantage of the example of seeing the large expenditure under the county rate under the auspices of the owners or justices, and that they might become more extravagant themselves?—One large expenditure always begets another, as far as my observation goes; at least it has a tendency to do so.

5437. As regards the arrangements for highways; in your county have highway boards been established generally or not?—Yes, throughout the county; I am clerk to the highway board for my division.

5438. Is the constitution of the highway boards satisfactory, as far as your judgment goes?—I think so.

5439. What is the influence of the ratepayers upon

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upon the highway boards?—They elect the way-wardens at their vestry meetings, that is all.

5440. Do they take an interest in those elections?—Not a large interest.

5441. How does the borough of Macclesfield stand as regards the highway rate?—There is no separate highway rate levied in the borough of Macclesfield; the cost of maintaining the roads in the borough is paid out of the general district rate.

5442. The area of the local board of health, I presume, is the same as the area of the borough?—Yes.

5443. Beyond that area in the townships which are partly in and partly out of the borough, what is their position as regards their contribution to the highway rate?—The amount outside the borough would be smaller; since the introduction of the Highway Act into my division the highway rates have been less, and therefore, in those portions of the townships which are outside the borough of Macclesfield, our highway rates are less than they formerly were, and less than they are in the borough of Macclesfield.

5444. I think you say that in the borough of Macclesfield the highway rates are paid out of the general district rate; is there a separate account kept for that?—No; it is one of the items included in the general district rate; the improvement and the repair of roads.

5445. The general district rate, and the highway rate, would be levied in a portion of one of the townships, through which the line of the borough runs?—Yes.

5446. Who levies the highway rates?—The way-wardens issue a precept upon the overseers; the highway rate now is paid out of the poor's rate; I believe that the extinction of the collection of highway rates in the highway districts, and the payment of the amount out of the poor rate, has been very beneficial, and a great saving.

5447. It apparently runs up the amount paid out of the poor rate, but it is practically an improvement?—Yes.

5448. Is there any compounding for the highway rate, if the whole of it is paid out of the poor rate?—Yes, in the townships where they adopt the Assessed Rates Act, but the Act is not adopted in any townships in which the highway district exists.

5449. Your highway rate adds another element of confusion in levying the poor rate, that the overseers of one township would levy the highway rate in one part of it, and not in another?—Yes.

5450. Sir *Massey Lopes.*] Do you find in your district that the chairman and the vice-chairman of the board of guardians are generally one *ex officio* and the other a ratepayer?—Not in my union.

5451. Is it so with regard to the highway board?—No, it is not.

5452. In my neighbourhood, it has been laid down as a rule, that the chairman of each should be an *ex officio*, and the vice-chairman as representing the ratepayers, should be an occupier; that is not the case in your union, you say?—That has not been the practice in my district since the formation of the district.

5453. I think you said that the local board of health accounts are not regularly audited?—They are regularly audited, but not by professional auditors.

5454. They are simply audited by members of the same body from the same board?—No, they are ratepayers, but not two members of the local board.

5455. But still they are the parties who are interested?—Yes.

5456. Do not you think it would be advisable that some professional gentleman should audit those accounts rather than anyone who is really interested in the expenditure?—I think that would be a very wise proposal; and the council of the borough of Macclesfield have recently resolved that it is expedient to employ professional auditors, and they are intending to do so; I think it very desirable that all those public accounts should be audited as the Poor Law accounts are now audited.

5457. Do you know whether, or not, those local board accounts are sent up regularly to the local board office in London every year?—They are sent from my town, and I think they are sent from all the districts.

5458. They ought to be; but do you think they are regularly sent up?—I should think they are sent pretty regularly.

5459. Mr. *Pell.*] Then a portion of the tolls upon the navigation of the River Weaver go, as I understand you, in aid of the county rate?—Yes; the surplus does.

5460. Are those tolls levied upon all vessels going up the river?—Yes.

5461. So that it is a direct contribution from shipping property in aid of a charge which is generally levied upon real property?—Yes.

5462. Do you know of any other instance of the same nature?—No, I do not; it is the only instance I know.

5463. Is this the result of special local legislation?—Yes.

5464. How old is it; has it been the result of legislation during this century?—I should think it is a century ago, or it may be more. The river was first made navigable by private individuals, chiefly county magistrates and owners of property, and after they were reimbursed the cost of rendering it navigable, there appeared to be a surplus, and they gave it over to the county, and the county has had the charge of it and of the surplus funds ever since.

5465. Does this arrangement create dissatisfaction amongst the owners of vessels?—I do not think it does; they pay no more tolls than they would pay if they traversed a canal, or any other river.

5466. Still I suppose the primary object of a navigation toll is to render the river, or keep the river fit for the use of the vessels that come up it?—No doubt; and very large sums have been expended, and expended in an enlightened manner for the deepening and widening, and the improvement of the river, which has improved one important branch of trade in the county, the salt trade.

5467. It would not be a very unusual application of the surplus, would it, to apply it to a reduction of the tolls?—I have no doubt that the tolls have been reduced from time to time, and they are within limits that are not complained of, I believe.

5468. You say that you have introduced some ratepayers into the board who administer those tolls; I presume that those ratepayers are not such unselfish people that the introduction of that element would not tend to applying the surplus

lus of the tolls in reduction of the county rate? —No, I think they would take the view that ll commercial men would; they would have he tolls reduced to a fair minimum; but what hey would also do would be to take care that he expenditure was well looked after; and I now that there has been one advantage in this espect. The trustees were not in the habit of etting some of their large works by contract, or y competition, but they merely had them done hrough their own officers, but now that species of ompetition has been introduced very beneficially, nd therefore that is one advantage of the intro- luction of the ratepaying element.

5469. It really comes to this, in the case of the River Weaver, that you have an income of about 32,000 *l.*, or rather you said there was an expenditure of 32,000 *l.*, and out of that you take more han one-third in reduction of the county rate?—We have done so.

5470. And although that is an unusual thing, as far as your experience goes, yet it gives satisfaction in Cheshire?—It gives satisfaction, and it is a fortunate thing that they have had it, because, as you are aware, the cattle plague rate in Cheshire has been an infliction which has not rested in the same degree upon any other county in the kingdom. They have a charge there of 270,000 *l.*, and this charge extends over 30 years, whereas all other counties liquidated their claims in one year.

5471. Mr. *Wheelhouse.*] Is there any representation from your borough with reference to the care of lunatics from your borough at the county asylum board?—There is no representation, but the guardians are entitled to visit the asylum.

5472. But there is no borough justice, or other person in the character of a justice, sitting at the board?—No.

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Friday, 13*th May* 1870.

MEMBERS PRESENT:

Mr. Acland.	Sir Massey Lopes.
Mr. Backhouse.	Mr. Pell.
Mr. Birley.	Mr. Rathbone.
Colonel Brise.	Mr. St. Aubyn.
Mr. Corrance.	Mr. Charles Seely, jun.
Mr. Goschen.	Mr. William Henry Smith.
Mr. George Gregory.	Mr. Walter.
Mr. Hunt.	Mr. Wheelhouse.
Sir James Lawrence.	Sir. Hedworth Williamson.

THE RIGHT HONOURABLE GEORGE JOACHIM GOSCHEN, IN THE CHAIR.

Mr. WILLIAM MIDDLETON, called in; and Examined.

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5473. *Chairman.*] YOU are chairman of the board of guardians at Leeds?—I am.

5474. Have you had any other connection with municipal or parochial affairs?—I have also been a member of the town council, some years ago.

5475. Have you a borough rate in Leeds?—Yes, we have.

5476. To what amount in the pound?—The borough rate for 1869 was 8 *d.* in the pound, which includes the watch rate.

5477. What would the watch rate alone amount to?—I cannot give that correctly; it has been included in the borough rate since 1859.

5478. Previous to that was it a separate rate?—Yes, it was; in 1858 I find that the watch rate was 5 *d.* in the pound, and the borough rate 7½ *d.* besides.

5479. So that the total was 1 *s.* 0½ *d.*?—Yes.

5480. Do you defray the expense of the police from the watch rate?—Yes, except what we may receive from the Government.

5481. Have the borough any funds of its own?—No.

5482. So that you defray the whole cost of your municipal affairs by the borough rate?—Yes.

5483. What amount does the whole borough rate come to, more or less, in the year?—I cannot state that accurately; I believe about 24,000 *l.*; but I have a return of the whole of the rates levied in the Leeds township for 12 years past, and I find that the borough rate for last year was 8 *d.*, and the preceding year 8 *d.* I beg leave to hand in a return of the borough treasurer's statement of accounts for the year, which will show the amount. I came at a few hours' notice, and consequently did not come prepared as I should have liked to have done, on these points of detail.

5484. Have you an improvement commission in Leeds?—We have an improvement rate, but of course all those things are undertaken by the town council.

5485. Is the town council the local board of health?—Yes, it is the local board of health.

5486. Do you happen to know whether the accounts of the town council, as a town council and as a board of health, are kept distinct?—We have no board of health, except the town council, but the whole of the rates are kept separate and distinct.

5487. The town council acts itself as a board of health; have they separate officers in that capacity, or is the clerk to the town council also clerk to the town council acting as a board of health?—He acts as both.

5488. Do all the officers act as both?—We have a medical officer of health, an inspector of nuisances and smoke inspector, but they all act under the town council, through their several committees.

5489. The Committee have learned that in many boroughs the town council acts as the local board of health quite separately from their functions as a town council for sanitary matters, and keep separate books; is that the case with Leeds?—They have no separate means with us, that I am aware of; each committee makes its own minutes and memoranda, but they are all amenable to the council generally, and their acts have to be confirmed or rejected by the council.

5490. Have you the Compounding Acts in force in Leeds?—At present we have.

5491. Did you have them in force before the Act of last year?—Yes; in years gone by we had the Compounding Act in force.

5492. Can you state to the Committee what rates generally are levied in Leeds; in the first place, you have a borough rate?—Yes, we have a borough rate, which includes the watch rate; and there are also, the gaol rate, the poor rate, the improvement rate, the lamp rate, the main sewer rate, and the highway rate.

5493. Over how many of those rates have the town council control?—They have control over the disbursement of all rates except the poor rate.

5494. Do the town council levy a separate highway rate?—Yes, they do; previously we had a highway board, but the council got powers to manage the highways themselves, under

under the Leeds Improvement Act of 1866, and now it forms a separate committee in connection with the council.

5495. What do they levy for the highway rate?—The highway rate is 1 *s.* 2 *d.* in the pound.

5496. Is that highway rate levied equally over all portions of the borough?—It is.

5497. Another committee of the town council, I understand, deals with the improvement rate?—Yes.

5498. What is the amount of that?—The improvement rate, at present, is 1 *s.*

5499. Is that levied equally over the whole borough?—I believe so.

5500. Have you no exemptions for market gardens and railways, and so on?—Yes, there are exemptions in both cases.

5501. Have you in Leeds any market gardens and land not covered with buildings, which are rated at only a quarter instead of the full rate?—In the rates collected by the town council, land is charged only one-third on main sewer and lamp rate; railways and canals are charged one-fourth on all rates except the highway rate, that rate is paid in full; and on the rates collected by the overseers, I believe the general rule is, one-sixth off buildings, and one-twelfth off land.

5502. In the case of other boroughs the improvement rate is not levied upon the more rural parts removed from the centre of the town; they only pay 25 per cent., but that is not so in Leeds?—I cannot speak decidedly; my opinion is that it is levied throughout the whole of the borough equally.

5503. Is the borough rate levied with the poor rate, or levied separately?—The borough rate is levied with the poor rate, and the gaol rate also.

5504. Do you know whether in the demand note for the poor rate it is specified that there is a separate charge for the borough rate?—Yes, there is a demand note here which I beg to hand in. The relief of the poor, the borough rate, and the gaol rate are each specified at different amounts (*handing in the same*). Here is also a demand note of the council for the other rates (*handing in the same*).

5505. Are those two papers, the green one and the red one, both left by the same collector?—No; they are two distinct sets of collectors.

5506. The one being under the overseers, and the other under the council?—Yes; the town council also have the providing of the water, and that is done by a separate committee, and by a separate class of collectors.

5507. So that you have three sets of collectors?—Yes, we have three sets.

5508. If the collection were in one hand, would it not be a great saving of expense?—I think so; my own impression is, that the whole of the rates of the borough ought to be collected by one body corporate, and to be under one supreme controlling authority, and that the expenditure of such rates should be audited much in the same way as the Poor Law expenditure is audited now.

5509. What is the audit of your town council?—There are two auditors appointed by the ratepayers, and one as the mayor's auditor.

5510. Who appoints the mayor's auditor?—The mayor himself.

5511. Is that under the general act, or is it under a local act?—Under the Municipal Corporation Act.

5512. Do the ratepayers elect their auditors?—Yes, they are elected in the same manner as the councillors.

5513. Is either of them professional?—No, they are not professional auditors; not as a rule.

5514. Is it a real audit, which goes into the accuracy of all the items and the legality of the expenditure?—I do not suppose that they look into the legality of the expenditure; I think that the principal part of their audit will be to see that certain sums have been expended.

5515. What is the aggregate rate in the pound for Leeds, generally?—I cannot give it for the whole borough, because we have four different unions connected with the borough, but the aggregate rate in the pound for the township of Leeds, at present, is 6 *s.* 5 *d.*

5516. Does that include the water rate?—No, not the water rate; we have not a water rate, strictly speaking, because the people who take it pay for it. The 6 *s.* 5 *d.* includes the borough, gaol, poor, improvement, lamp, main sewer, and the highway rate; it includes everything excepting water, and the people who take water of course pay for it.

5517. What is the rate for the relief of the poor?—For last year the rate for the relief of the poor was about 2 *s.* 6 *d.* in the pound.

5518. What is the rateable value of the township of Leeds?—The rateable value of the township is 414,880 *l.*

5519. Do you know what the rateable value of the whole borough is?—The rateable value of the borough is 722,078 *l.* 0 *s.* 7 *d.*

5520. The rates thus collected by the town council amount to about 3 *s.* in the pound, do they not?—Yes, those collected by the town council; but the rates disbursed by them, including the borough and gaol rates collected by the overseers, amount to about 4 *s.*

5521. My calculation would be this, that speaking roughly, the borough raises 3 *s.* in the pound, the rateable value is 700,000 *l.*, and therefore the aggregate that the town council would spend would be a little over 100,000 *l.*?—No, I think the rates of the borough would be more; deducting the poor rate proper, about 2 *s.* 6 *d.*, from the aggregate in the pound, 6 *s.* 5 *d.*, it would be about 4 *s.*

5522. Your highway rate is 1 *s.* 2 *d.*; your improvement rate 1 *s.*, your lamp rate 4 *d.*, and your main sewer rate 7 *d.*, which altogether comes to 3 *s.* 1 *d.*?—Yes.

5523. Practically, it must be upwards of 100,000 *l.* that is spent by the borough?—I should think, speaking roughly, 150,000 *l.* or 160,000 *l.*, exclusive of what is collected as poor rate.

5524. And this expenditure, amounting to 150,000 *l.* or 160,000 *l.*, is audited by two gentlemen, who are not professional auditors?—By the three appointed auditors.

5525. Do you know how long the audit takes?—I cannot exactly say; I suppose it depends upon the length of the men's conscience, as a rule.

5526. Does it take a month, or does it take three or four days?—It depends upon how soon the men may be satisfied, but I should say several days. As I stated before, I think that, as a rule, they simply see whether the amounts agree, and that the totals are correctly cast up, and so on. As far as the legality of the expenditure is concerned, they appear to have

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nothing to do with that, and they take no notice of it.

5527. Do you think that that system is satisfactory in their view?—Satisfactory to the council as a rule, I daresay; but I have heard very decided expressions of opinion by a number of ratepayers that it appeared to be very unsatisfactory to them.

5528. As regards those rates which are levied by the town council, is there a composition for them; that is to say, do the owners pay the rates below a certain line?—Yes; both the town council and overseers allow composition below certain rentals, the former for all rates up to 6 *l.*, except the sewer rate, and the latter up to 8 *l.*

5529. The borough rate is collected by the guardians, and the improvement rate, and the other rates which are also collected for borough purposes, are collected directly by the council?—Yes; there are two rates which really belong to the town council collected by the guardians.

5530. Who appoints the collectors, respectively?—The town council and the overseers.

5531. Do the two staffs cost about alike?—I cannot speak exactly as to what the cost may be with respect to the council. The cost of the office of the overseers is somewhere about 3,000 *l.* a year.

5532. Can you state whether any of those rates are levied upon the owner as distinguished from the occupier?—The town council levy the main sewer rate upon the owners up to 7 *l.* 10 *s.* rental, and all other rates up to 6 *l.* rental.

5533. Is the water rate levied upon the occupier?—Yes, excepting in the case of cottages, where the landlord provides the water, it is so.

5534. Mr. *Backhouse.*] How do your owners get their voting qualification in Leeds; do they claim for it?—The owners of property are themselves occupiers of property.

5535. But where they are not occupiers, do they have votes?—No, excepting as owners, they would be entitled to vote for the county, and they can also vote for guardians of the poor.

5536. Do they claim for their vote, or are they placed upon the register by the overseer without notice?—As a rule, I think, they are placed upon the register; but they can claim, of course.

5537. Mr. *Wheelhouse.*] I think you said just now that you had heard repeated complaints of the want of a proper audit of the accounts of the council?—I do not know that there has been any general complaint, but I have heard many people, who have taken an interest in these kind of things, say that they have an idea that if their accounts were subject to the same strict supervision as that of the Poor Law Board, probably they would be a little more careful in their expenditure.

5538. Do not you think that it would be very desirable to have some such officer as the Poor Law auditor, to inspect and discharge if needs be?—I think so. I can only say that, so far as the auditors are concerned with respect to Poor Law matters, I am always very glad to see them; the greater the scrutiny they give our accounts the better I am satisfied when they find them correct. I feel bound to say that knowing that the accounts do go through that thorough scrutiny the board probably are a little more careful in the expenditure of the money than they might be, if that were not so.

5539. Generally speaking, throughout the West Riding of Yorkshire, the Poor Law audit is extremely satisfactorily performed, is it not, especially in the district of Leeds?—For anything that I am aware of it is; I can only say, so far as Leeds is concerned, that we very rarely have any exception taken to any portion of our accounts, and when an exception has been taken as a rule, the Poor Law Board have always remitted, showing that we have not been very far wrong.

5540. You told us just now that the mayor appoints one of the borough auditors, and that the other is appointed by the ratepayers; when you speak of the ratepayers, is not the other auditor appointed by the town council, as distinguished from the mayor?—I believe that is so; but the town council is elected by the ratepayers.

5541. Then practically, one of the auditors is the nominee of the mayor, and the other the nominee of the town council?—No; I now recollect they are appointed thus: they are elected on the 1st of March under the Municipal Corporation Acts, along with the revising and ward assessors, by the burgesses at large, in the same way as councillors; in addition, the mayor appoints a member of council his auditor for the year, and he acts in conjunction with the borough auditors.

5542. How would you propose to deal with the question of the three separate sets of collectors, and the abolition or amalgamation of such officers?—As I have before stated, I would invest the whole of the collection of rates in one body, whatever that body might be, whether it might be the council or the board of guardians, or any other body that might be appointed; the demand note should specify the amount of each rate for one year, and the amount of such rate should be paid to the rate receiver at some central office, by instalments, say of two months; and in case of failure of payment of any instalment, the authorities to have the power to compel payment of the whole.

5543. At all events, one *quasi* corporate body should have the whole collection?—Yes; and not only the collection, but the entire supervision.

5544. Would you consider it desirable to make the collecting body also the imposing body for laying the rates?—I do not see any objection why they should not be; at present, the town council lay the amount of their separate rates; that is to say, with the exception of the poor rates, and that, of course, is a distinct matter.

5545. As I understand, what you would do, would be, to allow the Poor Law Board to impose such rates as come strictly within Poor Law purposes?—Yes; I certainly should.

5546. And the borough council to lay such rates as come strictly within the borough purposes?—Yes, that is so far as the Poor Law Board laying the amount of rate is concerned; but I think it would be wise to let one body have the entire collection of the whole of the local rates, including the poor rate; I do not see any reason why the board of guardians should not make a demand upon the town council, supposing that was the body appointed, just in the same way as they make a demand now upon the overseers.

5547. I believe that in Leeds, you have no separate lunatic asylum?—No, we have not, except in connection with our workhouse.

5548. But the pauper lunatics of Leeds are sent

sent to the West Riding County Asylum, at Stanley Hall, near Wakefield, are they not?—Most of them are; but I am sorry to say that we have to send some to much more expensive places; the lunatic asylum being often so crowded that they cannot take them in; very often we have to send them to private lunatic asylums, which becomes a very expensive matter.

5549. Upon whom does that expense fall?—It comes out of the poor rate. I am merely speaking now of our union, but of course it is the same with others.

5550. Are there not generally two gentlemen, magistrates of the borough of Leeds, appointed to sit at the West Riding Lunatic Asylum Board at Wakefield to represent Leeds?—I believe so.

5551. You told us just now that you spoke of the board of the township of Leeds, but are there three other boards of guardians in the ambit of the borough of Leeds?—Yes, in the borough of Leeds there are a portion of four unions—Leeds, Bramley, Hunslet, and Holbeck.

5552. The extreme of the outside unions is agricultural and mining mainly, is it not?—Yes, mainly so.

5553. Does the borough rate, including the lamp rate, extend over the whole ambit of the borough?—I believe it does.

5554. Is there not in the borough of Leeds some arrangement of this kind, that unless property is within a certain distance of a lamp it does not pay the lamp rate?—Yes, that is so.

5555. Sir *James Lawrence.*] Do I understand you to say that the whole of the borough rates are paid by the occupier in Leeds?—Yes, I believe they are, excepting under the circumstances I have stated; that is under certain rentals.

5556. That includes highway rate, improvement rate, and sewer rate?—Yes.

5557. Do you think that just?—Yes; I do not see any reason to say that it is unjust. It seems to me that it makes very little difference who pays the rates, because in my opinion, eventually either directly or indirectly, the occupier will have to pay them. For instance, if the landlord paid the rates, of course he would have to put it upon his rent, and if the tenant paid the rates, then the landlord would reduce his rent by, we will say, the amount of the rates. I look upon houses as being much the same as any other commodity, that they find their fair value in the market, and houses will not fetch more than they are worth.

5558. What is the improvement rate employed for?—For the improvement of the property in Leeds, making improvements in the streets, and so on.

5559. Does not that tend to increase the value of the houses by giving better streets, better pavements, and better approaches?—In some respects it would.

5560. Is not it a fact that the occupier pays the improvement rate for effecting those improvements, which permanently improve the value of the property, and possibly, if not probably, lead eventually to raising the rent in consequence of those improvements?—Yes; but at the same time the occupier reaps the benefit of the improvement himself if it is a shop by having an improved position for his business premises, and so on.

5561. Is it not paid for by him twice over; that is to say, if an improved value is obtained by means of those improvements, so that after the occupier has paid for those improvements by means of that improvement rate, does not he pay them a second time if he has to pay an improved rent?—No, I do not see that he does; I look upon it in this way, that any man of business would not give more for any sort of house or place of business than what he considered it to be worth. If he was wishing to take a shop he would naturally know what was the rent, and if he did not know he would inquire what was the amount of the taxes; and, putting the two together, if he thought that the premises were not worth the two together, he simply would not take them.

5562. Does not that depend very much upon the amount of the rate?—It would depend in this way, that if the rate is large the rent must be lower.

5563. For example, take the sewers rate, which was originally intended to be paid by the owner, which is 7 *d.* in the pound, supposing the rent of a house to be 20 *l.* a year, the rate of course would be 20 sevenpences; do you think that that amount, if paid by the owner, could by any possibility result in an increase of rent, and 12 *s.* or 14 *s.* to be paid by the owner, and that the rent of that house could be raised upon that small amount?—Yes, I think as a rule it would; because if I was going to take a place I should naturally inquire the rent and the rates to know what I should have to pay altogether; and if the landlord paid a portion of the rates of course I could afford to give him a larger amount of rent for the premises. I think it must end in that way, and I do not see any reason why it should not.

5564. When you see no advantage in dividing the rates, and allotting the highway rate and the sewer rate to be paid by the owner, and the poor rate and the other rates to be paid by the occupier?—No, I see no advantage in the long run. In the long run my opinion is that the tenant would have to pay the amount of the rates either in rent or rates.

5565. Colonel *Brise.*] You stated, did you not, that the expenditure of the rate in Leeds was unsatisfactory to the ratepayers?—No; the question was put to me whether the audit was satisfactory, and what I said with respect to the audit was this, that I had not heard any very general complaint about it from the inhabitants generally, because, as a rule, they do not think anything about these matters; but I have heard complaints from people who have taken an interest in matters of this description, who have said, what I quite believe, that if the accounts were subjected to a more rigid scrutiny, the same as we are subject to under the Poor Law Board, probably the council might be a little bit more careful as to their expenditure.

5566. Then there is a dissatisfaction as to the expenditure at present?—There is always a certain amount of dissatisfaction with a portion of the ratepayers in the expenditure of any public money.

5567. Is it your opinion that the administration is economically carried out?—I see no reason to doubt it, as a rule.

5568. The administration is in the hands of the occupiers, and the occupiers are principally owners, are they not, as well as occupiers?—Yes, I should say so. Of course it is in the administration of both, because the owners are, as a rule, occupiers. They occupy either their own property or somebody else's; and, consequently,

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quently, they are all interested in keeping down the rates.

5569. The administration is in the hands of the occupiers, but the occupiers are nearly all owners; is not that so?—The administration is not altogether in the hands of the occupiers, because there are both kinds, occupiers and owners, both in the council and board of guardians.

5570. If I understand you correctly, they only have their seats as occupiers?—There are different qualifications for a member of the council. If a man says that he is worth 1,000 *l.*, he may take his seat in the council; and if a man is rated at a certain amount, he may take his seat in the council, that is, if he is properly elected. With respect to the guardians, a 30 *l.* rental, or rather, at the present time, a 25 *l.* rating is the qualification.

5571. Sir *Massey Lopes.*] I understand you to say, that in your opinion all the rates are paid by the occupiers?—Yes, I think it is so, either directly or indirectly.

5572. *Chairman.*] What do you mean when you say that, in your opinion, they are paid by the occupiers?—I mean this, that the whole of the rates which are collected eventually fall upon the occupiers of the property, the tenant; I may be mistaken, but I think that is so.

5573. Sir *Massey Lopes.*] Do you consider that there would be any advantage to the occupiers, if any arrangement took place to-morrow for the division of the rates between the owner and the occupier?—I do not think there would.

5574. They would have to pay the same amount, would they not, only in a different way?—I think so; either in rent or in rates.

5575. It would make no difference to them beneficially?—I do not think it would; that is my impression.

5576. Do you happen to know whether the accounts of the local board of Leeds are sent up to the Local Government Office in London?—We have no local board, excepting the town council, and the overseers, and the guardians; the local board of health is the council itself.

5577. Do you happen to know that it is imperative upon the auditors of those accounts to send up those accounts to the Local Government Act Office?—I am not aware that they have to send them anywhere.

5578. You do not know whether that has been regularly done or not?—I think it is not done; they are simply audited by the auditors appointed.

5579. Then if the law is so, they have omitted to fulfil the law in that respect?—I will not say that, because I may be saying wrong. If it is the law, probably they may send them; I am not aware that they do send them; I will not say that they have broken the law, because I do not think they would do so if it is the law.

5580. In your opinion, the audit of those accounts is not satisfactory, and you would rather that they were audited by responsible persons?—Personally, I would rather that they should be submitted to a professional man.

5581. Do not you think it would also be advisable if some little more publication was given to them?—There is an annual statement of the accounts published.

5582. That is to say, there is an annual statement made to the council at their meeting?—Yes.

5583. But that is never advertised in any tabular form in any paper, or you have never seen it?—I think I have seen it; I have certainly seen the reports very often in the papers as to the various accounts, and I believe that, as a rule, they are published.

5584. *Chairman.*] You have shown the Committee the treasurer's statement of receipts and expenditure for 1868-69; is that printed and circulated?—Amongst the members of the council it is circulated, but I believe that they publish an abstract of the accounts in the papers.

5585. Is building land dear in Leeds; is it difficult to get sites for building?—It varies very much in price according to the situation.

5586. You say that the poor rate is 3 *s.* 4 *d.* in the township of Leeds; is it less in any of the other unions connected with the borough?—The poor rate proper is only about 2 *s.* 6 *d.*, and I do not think there would be much difference.

5587. Are you of opinion that a builder would give the same amount for a site to build on where there was a heavy rate, as he would where there was a light rate?—That would depend upon the demand for the property. If, owing to the heavy rate, the demand for property was less, of course the land would be worth less.

5588. Would it be likely to be so?—I do not think that it would very materially affect it.

5589. If there was a street which was partly in one union and partly in another, and one was very highly rated and the other was low rated, do you think that the value of the ground for building purposes would be the same in both cases?—If the situation was as good, I do not think it would very materially affect the value of the ground. I do not think that the rates could really be so excessive in the one and so small in the other that it would very materially affect the value.

5590. Take the case of a house which is just within the borough of Leeds, and which pays all the borough rates; these rates together amount to 6 *s.* 5 *d.*; then we will take a house just outside the line, but practically in the same situation, perhaps only paying 2 *s.* 6*d.* for rates instead of 6 *s.* 5 *d.*, do you think that if the occupier paid the rates he would give the same rent for the two houses?—No, I think he would be likely to give more if the rates were less.

5591. And, therefore, as he would give more rent, it would make a difference to the landlord, would it not?—Yes, it would.

5592. The landlord of the house in the favoured spot would get more rent than the one where it was heavily rated?—I think he would as a rule.

5593. Therefore, as far as that goes, the difference in the rates would affect the owner?—Yes, I think it would.

5594. And that would modify, so far, your statement that the occupier pays all the rates?—No, what I stated was, whoever paid the rates directly; they would in the end be paid by the tenant.

5595. The same rate cannot be paid both by the owner and by the occupier, can it?—No, I should say not.

5596. Therefore, if the owner gets less rent, because it is heavily rated, he practically is a loser by the rate of a portion of his rent, is he not?—That might take place in some instances, but as a rule, probably a small amount of rate would not make any difference as to the rent.

5597. But a large amount of rate would?—It would tell, no doubt.

5598. Therefore,

5598. Therefore, so far as it made a difference in the rent, it would affect the owner just to that extent, and no more?—It might do in some cases.

5599. It would do so wherever the occupier had got a choice between a site in a highly rated place, and a site in a place which was less rated?—Yes.

5600. Where he had got the choice, he would make a difference in the rent that he paid?—Yes, I have no doubt that it would affect it in some instances in that way; for instance, take a farm, if the rates were heavy upon that farm, the landlord, of course, would not be able to get that amount of rent that he otherwise would do if the rates were lower.

5601. Therefore, so far, the rates would come out of the pocket of the owner?—They would, to that extent.

5602. Mr. *Corrance.*] You compound for rates in Leeds, do you not?—We do, up to a certain rental.

5603. Of course in that case, the owners pay the rates where there is a composition?—They do.

5604. Do you find that where there is a composition the owner will generally put the amount of that composition upon the rent which he asks for the tenement?—Of course he must do it. If the landlord is asked to pay the rates he must charge it upon the rent, and *vice versâ*.

5605. Therefore that raises the price of the rent of those houses to the poorer classes?—No, I do not know that it raises the rent. If the landlord did not pay the rates somebody must pay them; the occupier must pay them.

5606. Under those circumstances the assumption that you leave us to form is this, that the occupier would pay an increase rent in virtue of the charge, whatever it may be, being so imposed upon the owner?—Yes.

5607. Therefore that makes that class of tenements higher to those poor occupiers?—It makes it higher in this respect, that if the landlord pays the rates he must have it from somebody. I suppose that every landlord when he builds property expects to get a certain amount of per-centage for his money, and if he has to pay a certain amount of rates the occupier must pay a larger amount of rent to meet it, there is no doubt.

5608. Is there any dissatisfaction in Leeds concerning the rates amongst any class of occupiers?—No, I have not heard of any; of course, nobody likes to pay rates.

5609. Are the rents of the houses of the poorer class particularly high in Leeds?—No; I do not know a town where, as a rule, they are so low.

5610. Then, of course, there is no dissatisfaction?—There is no dissatisfaction on that account. Only give the people good trade and there would be no grumbling.

5611. Is there ample house accommodation?—Yes, there is ample house accommodation; in fact, we have more accommodation in houses than we can get occupiers at the present time; owing to the badness of trade we have a good many unlet.

5612. Your rates are very high, nevertheless, according to your statement?—I do not know that they are extraordinarily high in comparison with other large towns; I think not.

5613. You have a considerable pauper population, have you not?—Yes, we have. We have now upon our books, in-door and out-door, upwards of 5,000 individuals.

5614. And a great many children wandering about in the streets?—You will find that in all large towns; I do not think that we are worse in that respect than any other; so far as respects school accommodation, and everything of that sort, I am quite sure that there is sufficient school accommodation if people will send them to school, which in all towns, I believe, very often they will not do, I am sorry to say.

5615. Colonel *Brise.*] Do the occupiers of houses under 6 *l.* pay the rates?—No; houses under 6 *l.* are compounded for at the present time, and the owners pay the rates; at least, the Compounding Act is in force, and the owners may compound or not, if they think proper; but the owners pay the rates.

5616. In paying the income tax, upon the estimated rental of those houses, does the owner take off the rates, or does he pay the income tax on the gross estimated rental?—I am not able to answer that question; I should not like to speak decidedly upon that point.

Mr. Thomas Avery, called in; and Examined.

5617. *Chairman.*] You have been Mayor of Birmingham, have you not?—Yes, twice.

5618. And you are well acquainted with municipal affairs, I presume?—I have had considerable experience in them.

5619. Have you held any other municipal offices?—I have been town councillor for some years, and I am now also an alderman of the borough.

5620. Have you been a guardian of the poor?—No; but I have been overseer of the poor, and chairman and member of the finance committee of the corporation for a considerable time, having charge of the rates, and the duties of assessment for municipal purposes.

5621. Have you heard the evidence of the last witness?—Yes.

5622. Can you state whether the municipal arrangements in Birmingham are the same as in Leeds as regards the town council being also the local board of health, or have you a local board of health in Birmingham?—No, the town council under its Improvement Act, exercises the duties practically of the local board of health; they do so by means of what is called the borough inspection committee, who meet and transact their business separately as a committee, reporting to the council from time to time as to their proceedings.

5623. Is that under a local Act?—Yes.

5624. You have always been under a local Act in Birmingham, I think?—Yes, before the town was incorporated, we were governed by the lamp and paving commissioners, and by the town commissioners. The different hamlets now within the borough were also separately governed under the name of the Commissioners of Duddeston-cum-Nechells, and the Commissioners of Deritend and Bordesley.

5625. With regard to the rates that are levied in the borough of Birmingham, do you levy a borough rate?—Yes.

5626. Do you levy an improvement rate?—Yes.

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5627. And a police rate, or are the police paid out of the borough rate?—The police are paid out of the borough rate; if you will allow me I will state separately the amount, and the nature of each rate; the Acts under which rates are directly levied by the town council are called the Improvement Acts of 1851 and 1861, and under the powers of those Acts we light, pave, sewer, and improve the town: that comprehends lighting, sewering, paving, and general improvement and all sanitary matters, and also street improvements. Our powers of rating are limited for those purposes to 2 *s.* in the pound, under the Borough Improvement Act, and 6 *d.* in the pound under the Street Improvement Act; the full amount of 2 *s.* has always been levied under the Borough Improvement Act, with the exception of one year, when it was 1 *s.* 11 *d.*, and for street improvement purposes we have levied rates varying from time to time, but averaging about 2 *d.* in the pound; those are the rates under the Improvement Acts. In addition to those, we have a general account, comprehending a great variety of purposes, which we call the municipal accounts; those purposes are the watch committee, police, &c., borough gaol maintenance, and prosecution of offenders, baths, and parks, under the Birmingham Parks Act, estates and buildings, industrial school, free libraries, burial board, lunatic asylums, and public works for the utilisation of sewage; for all these purposes we levy a borough rate, which for the last 20 years has ranged from 10 *d.* to 1 *s.* 5 *d.* in the pound, the average being 1 *s.* 3 *d.*, and that rate we levy in the form of precepts on the overseers of the various parishes, and they pay in exchange for those precepts a certain sum of money, averaging lately, I think, about 60,000 *l.* per annum, last year it was 61,412 *l.*, at the rate of 1 *s.* 2 *d.* in the pound.

5628. And the improvement rate, which was 1 *s.* 11 *d.* last year?—Yes, that is the only year it has been 1 *s.* 11 *d.*

5629. How did you raise that rate?—That is rased by a valuation of the property which extends over the whole borough.

5630. And you have separate collectors to collect it?—Yes.

5631. The rates are not collected through the parochial authorities?—No.

5632. You are prevented by the Act of Parliament from collecting them through the poor rate authorities?—We are empowered by our own Act to levy that rate, and collect it ourselves, and we do so levy it at an expense of about 1,500 *l* per annum, which comprehends the salaries of officers and collectors; the whole of the expenses belonging to the rating department are about 1,500 *l.* or 1,600 *l.* a year.

5633. How much is the aggregate amount of the improvement rate?—Last year we collected 73,800 *l.* under the borough improvement rate, and 3,350 *l.* under the street improvement rate.

5634. Can you explain to the Committee how it is that the borough rate, which was 1 *s.* 3 *d.*, gave 60,000 *l.*, and the other rate, which was 1 *s.* 11 *d.* should not have given more than 70,000 *l*?—That is in consequence of the great exemptions that prevail.

5635. That is to say, exemptions from the improvement rate, which do not extend to the borough rate?—Yes.

5636. Will you state to the Committee the nature of those exemptions?—First of all, I should say that when we levy that amount of 1 *s.* 2 *d.* in the pound upon the borough overseers—that is the net amount in money which they are to hand over to us, making no allowances for voids, and expenses of collection and all other kinds of expenses which are very large—I dare say that in reality the overseers, in order to raise that 1 *s.* 3 *d.* in the pound, would in all probability have to levy 1 *s.* 6 *d.* or 1 *s.* 7 *d.*, that explains a very large part of it, each 1 *d.* in the pound representing 4,300 *l.* Then another considerable part is caused by the exemptions enjoyed by the railway companies, which we think in Birmingham, and I believe the opinion very extensively prevails in other towns, are excessively unjust. The allowance of compounds is also a considerable sum.

5637. Have you got a copy of the Improvement Act under which you collect?—No.

5638. Is there a clause in your Act by which railways, canals, market gardens, and so forth, are exonerated from three-fourths of the rate?—Yes; railways, canals, land covered with water, nursery grounds, market gardens, and agricultural lands, are all exempt from three-fourths of the rate.

5639. But so far as the borough rate goes, they pay their full share?—Yes.

5640. From your borough rate, you pay for the lunatic asylum, therefore the railways would pay towards the lunatic asylum, but they would not pay towards the improvement?—Precisely so; they pay for all purposes comprehended within the borough rate, the full amount, without exemptions of any kind; and you will observe, that there is a very great anomaly in the recent legislation for the utilisation of sewage, that railways now pay the full rate for that (the Act was passed about two years ago); whilst as to the other part of the sewering system, now amounting to a very large sum, they are exempt from three-fourths, so that in one part of the same operation, they pay in full, and in another part, they only pay one-fourth.

5641. From what sources do you pay your sewering?—From the rate resulting from the Improvement Acts, with the exception of the part comprehended in the Utilisation Act.

5642. Have you a highway rate in the borough of Birmingham?—No; the highway rate is now comprehended within the improvement rate; it was formerly separately collected, but it is now included in the general provisions of the Improvement Act.

5643. The word highway rate has disappeared entirely?—Yes; I think so.

5644. The last witness stated, that in Leeds, the demand note specifies so much for highway rate, but that is not so with you?—No; it is part of the general expenses.

5645. Are there any parishes partly in the borough of Birmingham, and partly without?—Yes; there is one parish, the parish of Ashton, which is partly within, and partly without.

5646. Do you know whether they have a highway rate in that part of the parish of Aston, which is not within the borough of Birmingham?—I believe they have, I am not quite certain; a large part of Aston, now outside the borough, is governed under the provisions of an Act, which they have lately adopted.

5647. With regard to the borough rate, which you levy on that part of the parish of Aston which is in Birmingham, is that collected with the

the poor rate or separately?—They collect it separately.

5648. Do they collect it separately, because the poor rate is levied over the whole parish, and the borough rate is only levied over so much of the parish as is within the borough?—Yes.

5649. Can you tell the Committee what are the arrangements as regards compounding for rates by owners in the borough of Birmingham, or in any of the parishes?—We have in Birmingham about 78,000 assessments, of which 62,000 are 10 *l.*, and under the rateable value coming within the operation of the Compounding Act. The amount of the aggregate rateable value so represented is 339,000 *l.* The whole of that property is subject, under the Improvement Act, to compounding, which for 5 *l.* and under is two-thirds, and between 5 *l.* and 10 *l.*, one-half.

5650. Are the Committee to distinguish in this between the improvement rate and the poor rate?—Yes; I am speaking of the improvement rate alone.

5651. As regards the poor rate, have you adopted the Act of last Session?—I do not know precisely what has been done in Aston and Edgbaston, but in the parish of Birmingham proper, which comprehends about three-fourths of the rateable value of the whole. 95 per cent. of the landlords have claimed, and are now exercising the right of compounding; that is to say, out of every 100 houses, 95 take the compound.

5652. Now, let us take the parish of Birmingham; is this one of the results, that the owner of the same cottage rented at a sum under 10 *l.* would be receiving an allowance of 50 per cent. in respect of the improvement rate, but a smaller allowance in respect of the poor rate?—Yes.

5653. The allowances under the Assessed Rates Act not being so high as those under the Improvement Act?—Precisely so.

5654. So that there is no uniformity at all in that respect?—No, there is the very contrary of uniformity; and we have the still more inconvenient anomaly, that from the number of parishes within the borough, we have no less than three separate valuations, besides the valuation of the corporation.

5655. What valuations are those?—The valuation of the corporation, the valuation of the overseers of the parish of Birmingham, which, as I have said, is about three-fourths of the rateable value of the whole, the valuation of the overseers of the parish of Edgbaston, and the valuation of the overseers of the parish of Aston.

5656. That is to say, for the same house there are not more than two valuations, only there being three parishes in the borough, you speak of those three valuations?—Precisely so. And then we have what I venture to consider is a very great evil; we have a diversity in the valuation which lies at the basis of the whole assessment, and then we have the excessive inequality of the amount of rates levied by reason of the tendency that there is in large towns for particular groups of population to mass themselves very much together. In one part, where all the wealthy class resides, and where the rates are very low, and in the other, a comparatively poor class, where the rates are very high; and I ought to say that, as respects the parish of Birmingham, the inconvenience of having two systems of valuation has been found so great, that the overseers of the parish and the town council have arranged to employ the same valuer, so that we practically have one value. The town council have attempted to do the same with regard to Aston and Edgbaston; but they have at present declined to co-operate with us, because they are of opinion that it will raise the proportion which they contribute to the other parts of the union.

5657. Can you state to the Committee whether there is any water rate in Birmingham?—No, there is not; the town council of Birmingham do not supply water; it is either supplied from private sources, or from the waterworks company.

5658. The police are paid out of the borough rate, are they not?—Yes.

5659. Do you contribute at all to the county rate?—Yes.

5660. For what purposes?—For general county purposes; for bridges, the administration of justice, and various other purposes.

5661. Have you a separate quarter sessions?—Yes; I may say that the total amount that we contribute to the county rate is about 1,500 *l.* a year.

5662. Does that include the contribution to the lunatic asylum, or have you one of your own?—That includes everything that we pay to the county; we have a separate lunatic asylum, and a very large one.

5663. You have a very large valuation, and you only pay 1,500 *l.* to the county rate, so that it is a very small item?—It is a very small item.

5664. Are you aware of the arrangements that are made for the representation of owners either parochially or otherwise in Birmingham; do owners exercise the right of franchise?—They only exercised it so far as they were occupiers.

5665. Had you adopted the Small Tenements Act in Birmingham?—No; we have a local Act: the parish of Birmingham is governed by a local Act.

5666. Under that local Act, did the occupiers who compounded, lose their votes?—Each ratepayer had one vote in respect of his own occupation; I do not think he had any other.

5667. But where the occupier did not pay the rates, was he or not deprived of his vote?—The Small Tenements Act was passed some years ago; its provisions were unknown in Birmingham for a very long time; but some two or three years ago a very considerable proportion, I do not know how many, perhaps 6,000 or 7,000 occupiers, were put upon the register.

5668. Although they were compound householders?—Yes.

5669. By that, do you mean the Parliamentary register or the parochial register?—Upon the burgess List, from which they were subsequently stuck off.

5670. For municipal purposes the owner has no vote at all, has he, as owner?—No.

5671. Do you think that that is satisfactory or not?—He has a vote by reason of his occupation, not as owner; and I am of opinion that in all cases in which he directly pays rates himself he should have a vote. When he does not pay the rate the person paying it, in my judgment, is the proper person to exercise the franchise.

5672. Have you at all considered the propriety of the owner paying a portion of the rates?—Unlike the last witness, I think the owner really does pay the rates.

5673. Do you mean that the owner pays the

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rates generally in the long run?—I mean in the long run; and I mean in this way: at the time that the contract takes place the actual amount of rates paid is an element in the contract, and my view is that at that time the owner actually pays the rates in the shape of a diminished rent; then that rent being once fixed it commonly goes on for a number of years. There is no readjustment of that rent; but as improvements of various kinds are taking place the improvement rates, incidental to them, are paid by the tenant until there is a re-adjustment. During that operation, therefore, the tenant pays not upon the rate which existed at the time of the contract, but upon additions to existing, and all new rates, until there is a readjustment.

5674. Am I to understand this: that the amount of the rate, levied at the time of the contract, comes in your opinion, out of the owner's pocket?—I think so, certainly, mainly, if not altogether.

5675. But the additions which are made to that rate during the tenancy come out of the occupier's pocket?—Yes, until there is a readjustment of the rent.

5676. Then the rates again come out of the pocket of the owner?—Yes.

5677. Are the owners of houses a numerous class in Birmingham?—I do not know what the precise circumstances of other towns are, but in Birmingham the facts of the distribution of ownership and occupancy are very singular; a very large proportion, I believe, estimated to be about 5-6ths of the whole of the land of Birmingham, taking the rateable value, is leasehold, and it is let out upon building leases for 99 years; that large amount of property, estimated to be about 5-6ths of the whole, is in comparatively few hands, the chief proprietors being Lord Calthorpe, Mr. Cregoe Colmore, Earl Howe, General Vyse, the Governors of King Edward's School, the executors of Colonel Inge, the Marquis of Hertford, and the trustees of Sir Thomas Gooch; and it is under this system that the whole of the property in Birmingham at present exists: Mr. Colmore let some of his land in Birmingham 99 years ago at 6 *d.* a yard; those leases are just now falling in, and he is reletting portions of it at 10 *s.* per yard; he parted, therefore, with his property for that long period at such a low rent upon the condition, that during that time the tenant should not only pay the rates that existed at the time the contract was entered into, but should also pay all future rates, whether Parliamentary, parochial, or otherwise. Giving 200 yards for each house at 6 *d.* per yard, that would be about 5 *l.*; its present value is 100 *l.*, but 5 *l.* would be all that the ground landlord received for that long period of 99 years. That is as respects land, and therefore there is no readjustment during that long period. Then, that land having been so improved by the owner of the building, the owner of the building, in his turn, relets it commonly for 7, 14, or 21 years' leases; very seldom for much longer than 7 or 14 years, or frequently upon annual tenancies. In that case a readjustment takes place at continually recurring intervals.

5678. You have two classes of owners, the owner of the ground-rent and the owner of the house?—Yes, precisely so; the owners of the ground-rent in Birmingham extend to five-sixths of the whole. Some of those 99 years' leases are falling in.

5679. The rating in different parishes of Birmingham is very different, is it not?—Yes.

5680. The inequalities of rating, I think you stated, are very great?—The inequalities are very great; first of all, you have different minds forming estimates of the value, and next you have very different scales of deductions.

5681. Supposing that one of those 99 years' leases fell in, in a parish which was not highly rated, and another lease fell in a parish which was highly rated, do you think that the owners would get the same price for their respective pieces of land?—Certainly not.

5682. The owner of the land situated in a parish which was not rated so high would get more rent?—Certainly, other things being equal.

5683. Therefore the owner would have to sacrifice a portion of his rent in consequence of the increase of local taxation?—Yes; according to my view the owner really does pay, and it would be a most unjust thing if the owner did not pay his proper proportion, but my judgment is that he does practically pay his grant of the rates by receiving a diminished rent.

5684. And receiving a diminished rent, and in that way having clearly a very serious interest in the rates, has he, according to your judgment, a sufficient voice in the administration?—I think, practically, he has, because he is represented by his tenant; but the more you can give direct interest and give direct control in local affairs, I think the more we move in the right direction. I should be very glad to see the owners invested with greater power of control, particularly if they would exercise it; but, for the most part, those gentlemen live completely out of Birmingham; I mean the landowners pure and simple.

5685. But then there are the owners of houses, the leaseholders, as distinguished from occupiers; are the leaseholders a numerous class in Birmingham?— Yes, very numerous, and they reside within the town, and they have a direct interest in keeping down the rates, because just in proportion as the rates are high, other things being equal, I imagine that their rents are depreciated. The actual owners of the property are for the most part resident in the town, having a direct interest in the administration of local affairs and the local expenditure.

5686. And those leaseholders, although they have an interest in the property, have no vote at all?—No, their interest is in property in their own occupation, and their interest being the same as that of others, extends to the whole.

5687. Sir *Massey Lopes.*] I think you mentioned something with regard to there being a great grievance in Birmingham, with reference to the assessment of railway companies; I did not quite understand what the grievance was?—The grievance is, that they only pay one-fourth of the rate, or one-fourth of a very large proportion of their assessment, instead of, as we say they should pay, on the whole, because we are of opinion that they participate in all the benefits of local government, the sewering, the lighting, the paving, and the health of the town, all affecting the prosperity of the town from which their traffic springs; and that as they have the same participation in the benefit of the expenditure, they ought equally to participate in the expenditure itself.

5688. In assessing railways, do you assess simply the agricultural value of the land on which those railways are placed, or do you take into consideration

consideration the rails, the plant, the carriages, &c.?—We take into consideration everything that exists at the time; the whole undertaking within the borough.

5689. Does it occur to you, that when you are rating the whole of the undertaking, the rails, the plant, and the carriages, you are rating the stock in trade of that railway?—I apprehend that those are two totally distinct subjects. The question is, do they or do they not participate in the benefit of local expenditure, and should they equally pay the rates.

5690. But I want to know whether, when you are rating the whole of their undertaking, the rails and so on, you are not rating the stock in trade?—We rate to a certain extent their stock in trade by treating it as one of the deductions, but that is simply as a means of ascertaining the value; in fact, what is their beneficial occupation, just the same as any other ratepayer. In all other properties, the valuer regulates his judgment as to the annual value by comparing it to some extent with the actual lettings of adjoining property; but in railways that cannot be done because they are too large; it is a proper means of arriving at the value.

5691. Would there be any beneficial value that you could rate, unless the rails were upon that land?—Yes, vastly more than the railways pay us; we have in Birmingham 8,420 acres of land, and the aggregate rateable value of the whole is 1,092,000 *l.*, giving an average of about 130 *l.* per acre. The railways come into Birmingham, they occupy the best part of the town, and displace other property that would pay the full rates; we only have a limited area, and of that the fair rateable value is somewhere about 130 *l.* an acre, and after their allowance of three-fourths has been deducted they only practically pay upon a rateable value of about 70 *l.* per acre.

5692. Mr. *Seely.*] How many acres are occupied by railways?—530 acres of land are occupied by railways, canals, and land covered with water, so that they occupy in point of fact one-sixteenth part of the whole area of the borough, and they do not pay anything like such a proportion of the rates.

5693. Sir *Massey Lopes.*] I merely want to know whether, when you are rating those railways, you are actually rating stock in trade; the railways themselves would be of very little benefit except for the appliances upon them, and you rate those appliances?—We do not rate their stock-in-trade; their stock-in-trade is one of the deductions whereby the annual value is supposed to be ascertained, and if any other more accurate mode of arriving at the true value could be found I, for one, would very willingly adopt it, but I protest altogether against the mode of valuation and the principle of exemption being mixed up as one question.

5694. I understood you to say that you thought it very desirable that you should have one valuation instead of four?—Most decidedly.

5695. And also one collector and one collection?—No, I did not say that; on the contrary, I think that the bodies imposing the rates ought also to have the responsibility of collecting them.

5696. Do not you think that instead of having two or three collectors coming and claiming so much for poor rate, and so much for borough rate, it would be desirable that the rates should be classified, and that the demand paper should simply state how much in the pound for each, and the payments to be made at the same time either half-yearly or quarterly, or would you prefer to have separate collectors coming for different purposes at different times?—I think there ought to be two separate systems of collection in Birmingham; one for parochial, and the other for muncipal purposes, and that each body should impose their own rates, and each collect them, and that there ought to be one valuation for the whole of the borough for purposes of assessment, to be determined by a valuation board in which the town council and the overseers of the several parishes should be equally represented.

5697. And the poundage for each subject specified?—Yes, certainly; I think that would be very desirable.

5698. *Chairman.*] What objection can you see to such a plan as this, that both the town council and the boards of guardians should make their precept upon the parochial authorities, and say, we want so much money, and then let it all be collected together; what abuses would arise from that?—I do not think that any abuses would arise, but I am of opinion that you are mixing together things that are essentially distinct, namely, municipal operations and parochial operations, and that each of those separate systems are of such a magnitude that, to be efficiently conducted, they should be separate in their operations while they should take one common basis of value.

5699. But you may keep the two administrations entirely distinct, and yet ask for the money, which has to come from the same man through one collector, could you not, and one collector could collect both rates, handing over the money to the respective authorities that are administering them?—That would be quite possible, no doubt.

5700. What objection would there be to that; would it not be more convenient to the taxpayer that he should have one collector come to him than that he should have two?—On the contrary, I think, the division of paying the taxes is rather convenient, and as respects economy, the economy is not very great, because I have stated that the total expense of the town council for collecting those rates last year was 1,500 *l.*; I do not know what the expense of the parishes is, but I fancy it is considerably more than that.

5701. You think that the municipal authorities ought to have the appointment of the officers who collect the money for them?—Yes, I think so; I think the more you diffuse responsibility, the less it becomes actual and real, and what we really want in local government is something that gives actual and active and effective control; that is very much needed, in my opinion.

5702. You do not think that there is control if the collector is obliged to supply you with a certain sum of money; would not the practical control that you would have over the collector be that he would be obliged to bring you the money?—I do not think there is very much importance in that.

5703. Would you consider it a change of system if you had one collection instead of three as at present?—That would be more a question of detail.

5704. Do you object to the present system of collection of the borough rate?—Certainly, the borough rate ought to be collected by the town

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council; that is that part of the borough rate which is required for municipal purposes until lately, although the borough rate is 1*s.* 3*d.* in the pound, very few inhabitants of Birmingham knew the actual amount of the proportions that were collected under cover of the poor rates; now the overseers do not demand it separately in the demand note, but they put a memorandum at the bottom of the note, "so much of this is for the purposes of the corporation."

5705. At present the borough rate, although it is expended by the municipal corporation, is collected through the parochial authorities?—Yes, and I think that is a very vicious principle.

5706. Sir *Massey Lopes.*] You are clearly of opinion, are you not, that under the present system the rates are paid by the owner and not by the occupier?—I said that I thought they were distributed, and I indicated the manner of distribution, but not the exact proportion.

5707. I quite understand what you said, that with the exception that when any new rates were imposed and there was no readjustment, in that case they fell upon the occupier?—At the time of the contract between the owner and the occupier, I believe that the owner pays the greater part, at least three-fourths, if not the whole, of the rate, but the rent being once fixed it commonly goes on for a considerable time without change, and all new rates, till there is a readjustment, fall upon the occupier.

5708. Then the reason for that is this, is it not, that when a tenant once takes a house or land, he takes into consideration the amount of rates that he will have to pay, and gives a proportionately less rent?—That is what I have found in my own experience; whenever I take any property I very carefully consider that, and in letting property, I have known the same careful inquiry on the part of the persons taking it.

5709. Are you of opinion that the occupiers having, as at present, the administration of the rates, that tends in a great degree to economy; that they look after the expenditure much more than the owners would?—I think it has rather that tendency, but I should not in the least object if any means could be found for a more complete supervision on the part of the taxpayers.

5710. If any arrangement was to take place for the division of those rates, I suppose it would be necessary to disturb existing arrangements?—To some extent it would.

5711. Do you think that that would be desirable; do you think that the benefit of it would compensate for the change?—To the extent which I have indicated, it would.

5712. Do you think that there would be any benefit to the occupier by that arrangement; do you think he would gain anything in economy?—No.

5713. Then you do not think there would be any advantage to him?—He would not gain anything in economy, unless it led to a more active supervision, and, therefore, more economical management, and I do not conceive that he would do that.

5714. Do you think that if those rates were divided, and the owners were represented on the different boards, they would exercise their power of attending and looking after the administration of those rates?—They would partially, no doubt, and just as far as they did, so the result would be beneficial.

5715. You mentioned Mr. Cregoe-Colmore's name, who is a large owner in Birmingham; he is non-resident, is he not?—Yes, he is non-resident.

5716. Is not a great portion of this property now falling in?—Yes.

5717. Do you think that he would take a very active interest in, or supervision of, those rates?—No, I think it would be very likely he would not; but Mr. Cregoe-Colmore is simply a landowner; he is not the actual owner for a term of the building and the land combined.

5718. There are leases under him, but those leases are falling in now; and he is in actual possession of a great deal of property at rack rent?—Yes; he has now his land comparatively unoccupied; great portions of it are being pulled down, and are being re-let at 20 times, and even still more, its value 99 years since. I only mention this as a representative case.

5719. Is he letting it out on ground-rent leases?—Yes; he is letting it out on ground-rent leases.

5720. You mentioned that land which was let at 6*d.* per yard is now being let at 10*s.*; as that alteration has taken place, do you think it would be right or just that this gentleman, who is deriving a vast deal of benefit from the property coming into his hands, should contribute anything himself towards the local expenses of the borough of Birmingham; there are a great many improvements that are going on, and are likely to take place; do you think that he should pay something out of his ground-rents towards those improvements?—I think it would be excessively unjust if he did not pay; but I have already said that, actually, he does pay, and but for the rates which are imposed, the land which he now lets at 10*s.*, he would let at 12*s.* or 13*s.* a yard.

5721. Mr. *Pell.*] You say, that there are five-sixths of the land in Birmingham let upon long leases?—Yes; it is estimated at five-sixths, and they are nearly all let for periods of 99 years.

5722. That having been done, three persons become interested in the land, and what stands on it; first, the freeholder, then the leaseholder, and then the occupying tenant?—Yes.

5723. I think you told the Chairman, that as a rule, the leaseholder was resident in Birmingham?—Yes.

5724. Of course, the original leaseholder is not as a matter of course resident there, because it might be 99 years since the lease was taken?—I mean the original leaseholder or his representatives.

5725. Do you know of such things in Birmingham as selling leases?—Yes; sales, assignments, and all kinds of operations take place; but the leaseholder exists in his own person, or by his representatives for the term of 99 years.

5726. And you are so clannish, are you, that you never allow those leases to be parted with to persons out of Birmingham?—I did not say so; I said that for the most part, the actual possessor of the lease was resident in the town; no doubt, in a great many cases the property in Birmingham is possessed all over England; but in the main the actual owner of the lease is either resident in the town or in the immediate neighbourhood.

5727. You mean to say that all assignments and sales, and transfers of leases in the usual way, have been to people who are now resident in Birmingham, or at least the greater part of them?—Yes,

Yes, by far the greater part; I do not know the precise proportion.

5728. Colonel *Brise.*] I think I understood you to say, that 530 acres in Birmingham is occupied by railways and canals?—Yes; by railways, canals, and land covered with water.

5729. And you stated, did you not, that the rateable value of that 530 acres is something under 100 *l.* a year per acre at the present time?—No; I said that the average rateable value of the whole of Birmingham, consisting of 8,420 acres, was about 130 *l.* per acre; and I also said that the railways, canals, and land covered with water, occupy 530 acres of that area, and that there rateable value was less than 100 *l.* per acre. In fact, after their allowance of three-fourths has been deducted, it is 70 *l.* per acre.

5730. I think I understood you to say, that the principal owners live out of the town, and the leaseholders principally live in the town, and that the leaseholders, as occupiers, have a voice in the administration of the expenditure at the present time?—Yes.

5731. Are these occupiers who administer the rates, principally leaseholders, or are they half and half, or are the occupiers, who are not leaseholders, the principal administrators of the rates?—The administrators of the rates, as far as the municipality are concerned, are represented by the town council; and the town council is representative of the general constituency of the town, and that general constituency mainly consists of occupiers; the leaseholders also being occupiers of certain tenements within the town, so that they are directly interested, and they are directly represented in the administration.

5732. But the gentlemen who are elected, are as often leaseholders as they are occupiers?—Yes, they are both.

5733. Sir *James Lawrence.*] The borough rate, you stated, averaged 1 *s.* 3 *d.*, and that brought in 61,000 *l.* and upwards; but you seemed to correct your evidence by saying that that represented the net sum paid over, but did not really represent the proper sum in the pound of the rate, and possibly that might be 1 *s.* 6 *d.*; what made you fix the rate at an average of 1 *s.* 3 *d.*, when you say that there is a rate of something like 1 *s.* 6 *d.*; would not the proper plan have been to fix the rate and levy it?—We do not levy it.

5734. If you are speaking of the rate which is paid by the person who pays the rate, surely you could mention the proper rate in the pound, and not what the result of that rate may be?—I mentioned the rate which we required, and we levy it in that manner from the necessity of the case. We find that upon our estimates we shall receive so much money, and we shall expend so much money, and the chasm between those two items has to be made up by a rate; then that rate has varied during the last 20 years from 10 *d.* to 1 *s.* 5 *d.* in the pound, and the average has been 1 *s.* 3 *d.*

5735. I may take it that you demand a sum which would require 1 *s.* 2 *d.* or 1 *s.* 3 *d.* in the pound, provided there were no exemptions and no defalcation; but at the same time, in order to realise the sum that you require, it is necessary to make a rate much higher than the sum you indicated?—Yes; we make a precept for those purposes, and the sum of money upon the rateable value furnished to us by the overseers represents that amount. We make a precept upon them for that amount, and that precept makes no allowance for voids or defalcation, and in reality they have to levy a very much larger sum, I believe, commonly some 15 or 20 per cent. more.

5736. What is the amount of the poor rate in Birmingham?—I believe it was 4 *s.* in the year 1869. It averages from 4 *s.* to 4 *s.* 6 *d.*, I believe; 1 *s.* 3 *d.* is the borough rate; the average of the poor rate proper for the parish of Birmingham is as nearly as possible 3 *s.* 3 *d.* in the pound.

5737. Is it higher or lower than it has been for the last four or five years?—There is very little difference.

5738. A question was asked you about the collection of rates, and your having different collectors; has it ever occurred to you whether a great saving might not be effected if you did without collectors, as is the system in Paris, and also in New York?—I do not think it would be possible to obtain the money without, because if there were no collectors you would save the expense, but you would lose a great deal more in the amount collected, though you would save in that way.

5739. Take the case of a working man in receipt of weekly wages who has to pay the rates; when the collector calls the man is away, and the money may not be forthcoming; or the collector calls after the money is spent; if the time and place were indicated where the man had to pay his money, do not you think that probably the money would be paid when the man had the money to pay, and much less loss would accrue if a system of that kind were adopted?—The working man, you will observe, does not pay rates directly in Birmingham; he pays them under the operation of compounding, but, in effect, we do both the things that you state; we always have a collector in the office every day for several hours to receive all the rates that are brought to him.

5740. It does not occur to you that there would be any saving in adopting the plan which is in operation in New York, namely, that if they are not paid at the end of the first month, five per cent. is added, and at the end of the second month 10 per cent., the result being that very nearly the whole amount is sent into the office?—I should hesitate to try the experiment.

5741. When you stated that the owner paid the rates in the long run, did I rightly understand your observation to apply chiefly or entirely to the owner of the ground-rent, the landowner, or did it apply to the leaseholder?—To both.

5742. Have rents risen very much in Birmingham?—Very much indeed, and very unequally in different parts of the town.

5743. Has that result arisen very much from the improvements in the town, the establishment of parks, and various other matters; have not those circumstances tended very much to increase the value of property in the locality of Birmingham?—I think it is likely that they have.

5744. The occupier generally occupying a house held on lease for a term usually of seven years, and not exceeding 14 years, from the original leaseholder, during the period in which he has had to pay the improvement rate, has not the occupier paid the larger portion of those improvements by which the property has been permanently increased in value?—Yes.

5745. At the end of his term of seven years, is not the effect of these improvements to increase

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the rent of the houses so improved?—I have no doubt that it is.

5746. So that, under a new arrangement, if the occupier obtains a fresh lease, he will only obtain that fresh lease on increased terms of rent in consequence of such improvements; is that so or not?—I have no doubt it is so.

5747. Is not this the fact, that the occupier, under the circumstances mentioned by you of short leases, pays in the first instance the entire amount of the improvement rate; and in the second place, has to pay an increased rental at the end of his term of seven years, in consequence of such improvements for which he has already paid?—I think not apart from the improvements; the part that the occupier really pays consists of new and increased rates which have been imposed during that period. Then the increased value of rent in the town, though partly influenced by the administration of local affairs, is also occasioned by a great variety of other causes; the landowner at each time that he fixes the rent actually pays the greater part of the rates for the term for which it is let by the diminished rent which he receives. Therefore, when improvements take place, no doubt the landowner participates.

5748. My inquiry was especially as to the leaseholder, drawing a distinction between the leaseholder and the owner; and inasmuch as there are several terms of leases of 7 and 14 years in the 99 years, during that period does not the leaseholder derive the entire benefit; the expenditure in the first period, at all events, being paid entirely by the occupier?—No, he does not derive the entire benefit. The occupier paying a fixed rent for 7, 14, or 21 years, enjoys all the advantages of that outlay in return for the improvements that have taken place. Then as respects the 99 years' lease, the term is so remote that you can hardly perceive any direct interest; but during that 99 years, it must be recollected that sales frequently take place, and the improvement in the increased rack-rent very largely affects the sale of the ground-rent for the time being, and the reversion, and there is a very greatly augmented value in the reversion; so that during that time the original leaseholder in that form also participates in the profit.

5749. Is it not the fact, that the locality of premises, the advantages of the neighbourhood, of the parks, for example, and those kinds of circumstances, have a greater reference and relationship to the value of rent than the question of rates, whether the rates are high or low in a particular locality?—We are talking of rates pure and simple apart from the other circumstances, and we are assuming that the other circumstances are equal. The rates in Birmingham, parochial and municipal, are as near as possible 6 *s.* 6 *d.* in the pound, ranging from 6 *s.* to 6 *s.* 6 *d.* in the pound; and if you could have all those improvements without those rates, which of course would be impossible, you would have so much additional value of land and buildings to be participated in, as I think, by the owner and by the occupier; and I think to a very much greater extent by the actual landowner or the leaseholder, who pays a part of those rates in diminished rent; it would be a most unjust thing if both the landowner and the leaseholder did not contribute their respective proportion according to the value which they really enjoy.

5750. Supposing that the original landowner, who let his land, for example, on a ground-rent of 10 *l.*, had to pay upon that 10 *l.*, 3 *s.* 6 *d.* in the pound; and that the person who rented the house at 50 *l.* should pay his proportion, or if the rate were collected from him entirely, should be enabled to deduct from the 50 *l.* the rate of 3 *s.* 6 *d.* in the pound, and the leaseholder deducting from the person to whom he had to pay the 10 *l.* ten times 3 *s.* 6 *d.*; do you think that that would be an unjust or an improper method of distributing local taxation?—I do not think it would be unjust and improper, if it were limited to future contracts; but I think it would be very unjust and improper to entirely change the incidence of taxation under contracts that have been already made for fixed terms: then if the Legislature thinks fit to make any change in future, and determines that the leaseholder or the landowner shall pay in a direct form, and according to the benefit that he receives, I neither see any objection nor any direct advantage. It is certain to form a very important element in the incidence of the rent; and I should think that it would be very desirable, if that was done, to make it something in the form of a rate in aid, and that that should be extended to personal property. I am of opinion that the burden of municipal government, falling exclusively upon real property, is a wrong and injustice, and that it ought to reach personal property; but that is a point which, I presume, does not belong to this inquiry.

5751. The method which I have suggested is precisely the same method as is adopted with regard to the property tax, is it not?—Yes.

5752. Are you prepared to say, with regard to the property tax, that because by the action of the Legislature that tax has been imposed upon all parties who have an interest in property, in the case even of the property tax the owner pays the entire tax, or the main part of it?—The owner pays a part.

5753. If a man is to pay in proportion to the benefit he receives, is there any reason for saying that he pays more than that?—No, I think not; the amount of the income tax is so small, that it is not an appreciable element in the rent; it is only 3 *d.* or 4 *d.* in the pound.

5754. Mr. *Seely.*] As to the exemption of railways, is the whole of the railway subject to this exemption, or only that part of it which is used for through traffic?—Nominally, only that part of it which is used for through traffic; but I am very glad that the question has been asked, because it opens up a very serious affair; the words of the Act are so general that they comprehend almost everything. In all large towns, in addition to the main lines running through, there are vast stations, and the whole ramification of sidings and turntables, and the like. Those are really used, to a very great extent, for the distribution of traffic for local purposes, and therefore the exemptions never were intended to apply to them; but the words of the Act are so vague, that the judges have held that although they are used to a very large extent for local traffic, as well as through traffic, it does not alter their original incidence as part of the main line, and they have also extended the exemption to them. If that were not so, the grievance would be very much diminished.

5755. You stated that the owners were now represented by the tenants, and therefore there is not much advantage in the owners being represented; do you suppose that the representation would

would be done away with entirely in case the ballot was adopted?—I do not think it would. The ballot is only a machinery whereby the votes are taken; it would not affect the substantial interest.

5756. How could the owner be said to be represented by his tenant if the vote was taken by ballot?—Because it would not alter the substantial interests, and whether he pays the rates directly or through his tenant, he has an interest in the economical administration of local affairs, and his interest is represented by the tenant. If you could add his representation to it, I do not know that it would very much affect the question; but I should be rather glad of such an extension of the responsibility than otherwise.

5757. You stated that 1,500 *l.* is the cost of collecting the borough rate and the improvement rate in Birmingham; would that cost be much increased if the poor rate and all the other rates were collected by the same collectors?—I do not think that it would be increased to the extent of the additional collection, but it would necessarily be increased to some extent.

5758. Have you any idea what the amount would be?—Judging from other cases, perhaps the increase of collection would be from one-half to two-thirds; I do not think it would be doubled. I do not think it would be increased in proportion to the increased sum of money received.

5759. Mr. *Wheelhouse.*] You stated that you thought there ought to be two separate systems of collection for the borough and the parochial rates, but that there should be one value; have you ever thought how that one value would be best arrived at; do you know the Scotch system of the Valuation Office, as it is called?—I do not know the Scotch system; but I have already said that I think that we in Birmingham can best arrive at such a result by having a valuation board, at which the parochial authorities and the town council should be equally represented, and that they should appoint one valuer. It is perfectly impossible to have absolute uniformity of valuation, which lies at the root of all equitable assessment, unless you have one mind to make that valuation.

5760. You say, that you think it would be desirable that the same impact should be spread over all Birmingham, that is to say, so as to bring the poorer parts of Birmingham, just on the same level of contribution as the other parts?—I think so.

5761. For the poor rate, or for any tax?—Yes, it is so for municipal purposes now; but for parochial purposes, it is most unequal.

5762. So that you think, in other words, that it is right that the rule which has been applied in the metropolis, should be applied to Birmingham?—Most decidedly.

5763. Sir *Hedworth Williamson.*] Would you tax equally all ratepayers, whether owners or occupiers, for the improvement rate for parks, &c., whether they live on their own property near the parks and obtain a direct benefit, or whether they live at a distance and obtain comparatively no benefit from these parks; it would be very difficult to draw the line, would it not?—They do derive a direct benefit according to the extent to which their property is improved; and I have said that I think they do pay.

5764. I presume that the poorer class of the population of Birmingham who live three or four miles from the park, never go there at all?—It would be in their power to reach them, but of course you can only reach those that are actually within the area of the district.

5765. Do you think that everybody within the borough, ought to pay the same proportion in the pound for this improvement rate?—Upon their rateable value, I think they ought.

5766. Whether they use the park or not?—Yes; it is accessible to them to use it, if they think fit, and ultimately, we hope, to have other parks.

5767. Mr. *Smith.*] The rate for parochial purposes which you spoke of is a rate for the relief of the poor only, is it not?—That part which is strictly used for parochial purposes is for the relief of the poor; but the same authorities also collect a large portion, as I have said, to the extent as respects the parishes in Birmingham of 1 *s.* 3 *d.* in the pound for municipal purposes.

5768. But so far as parochial purposes are concerned, that rate is solely applied to the relief of the poor?—Yes.

5769. No other duty is charged upon it by the parish of Birmingham, but the relief of the poor?—Precisely so.

5770. Mr. *St. Aubyn.*] Supposing that the burden, which at present falls entirely upon the shoulders of the occupier, were shifted, it would necessarily follow, would it not, that the boards which distribute the money raised should be reconstituted?—I have said that the burden does not fall exclusively upon the shoulders of the occupier.

5771. It is raised, is it not, at this moment from the occupier?—Yes; but as respects a very large portion for the purposes of the Improvement Act to the extent of 339,000 *l.*, it is directly paid by the owner in the shape of compounding.

5772. Supposing that the owner were made liable for his share so that, to use your own words, both the landowner and the leaseholder, and the occupier, should all contribute in a just proportion to the rate; have you at all considered the question of how you would constitute the board, so that there should be a fair representation of each of those interests at the board?—I do not clearly perceive how you would be likely to obtain a better representation than we now possess. The borough, as you know, is divided into wards, and the administration of the parish affairs is carried on by a vast number of persons amounting to 108 guardians under the old local Act; I think that that is a most inconvenient number, and I would alter it decidedly.

5773. How would you alter it?—I would diminish the number, and I would alter the area of election. The 108 guardians are elected from the whole of the parish, without districts of any kind as to the part of the parish, and so on, and the number to be elected is so great, that there is hardly any actual personal consideration.

5774. *Chairman.*] Are you still under a local Act as regards the poor?—Yes, we are under a local Act; I should diminish the number, and divide the parish into wards with representatives for each, and by that means try to obtain a more direct control; I think that that would be the tendency. This system was practically adopted at a recent election of guardians.

5775. Mr. *St. Aubyn.*] Speaking rather of the representation of the interest of the landowner, at present he contributes, you say, indirectly; but he is not rated directly?—No.

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5776. But under a change of the law by which he would be rated directly, how would you provide for his being represented at the board which should distribute the rates?—If the Legislature should make such a change as that, his name would appear in some of the books, and he ought to have his name so appearing, and to have a direct vote, whether a resident or not, if he paid.

5777. Mr. *Corrance.*] You have spoken, have you not, of the rating of railways as giving a great amount of dissatisfaction?—It gives with us most extreme and general dissatisfaction.

5778. Upon what data do you assess the railways within the town?—There is first a valuation of the land, the land is worth so much.

5779. Do you rate upon profits?—We take the gross receipts.

5780. With certain legal deductions?—Yes.

5781. You take the gross profit, and make certain legal deductions?—Yes; and then try to arrive at the fair value of the land by ascertaining what the proper nett value is after certain deductions have been made.

5782. Do you estimate those profits locally, or generally?—Almost entirely locally; but the general traffic has also to some extent to be included; but I do not thoroughly understand the precise details; I have already said, I think, that the questions are essentially distinct, as to whether the exemptions are themselves equitable, or whether the present mode of rating the railways is a true and proper system. If any better system could be discovered whereby their true value could be more accurately ascertained, I, for one, should be very glad to adopt it.

5783. Are the earnings supposed to be derived within the district rated?—I would rather that question should be answered by an expert than by myself; I believe that, mainly, it is the earnings within that district, but the through earnings also form an element whereby the value is endeavoured to be arrived at.

5784. Mr. *Walter.*] You stated, did you not, that the area of ground included in the borough of Birmingham was 8,500 acres in round numbers, and that the total assessment upon that area was 340,000 *l.*?—No, 1,092,000 *l.*; I said that the amount of compound property was 340,000 *l.*, and the assessment is 1,092,000 *l.*

5785. And the area covered by railways is 520 acres?—Yes; about that quantity.

5786. The assessment of the railways would amount, would it not, to rather more than 50,000 *l.*?—The assessment of railways, canals, and land covered with water, the part of the borough that is subject to exemption, is just 44,000 *l.*

5787. Mr. *Corrance.*] You spoke of two district rates, a district rate and a general rate, and you proposed to divide one class of rates under one collection, and another under another; could you give us a classification of what rates do fall within the parochial area, and what come within the general area?—I have already given the different heads.

5788. Those that you have given us, you would classify as part belonging to the parish, and paid within the parish, and part belonging to the municipality?—Yes.

Mr. Robert Dudley Baxter, called in; and Examined.

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5789. *Chairman.*] You have given great attention, have you not, to the subject of rating?—I had occasion to consider it a great deal in 1866 and in 1867, at the time of the Reform discussion; and I also examined into it closely in the next year, when I was writing on the subject of taxation for the Statistical Society.

5790. In the course of your investigations, did you come in contact with persons connected with property as valuers and farmers, and with parish officers and householders?—I did; I made wide inquiries of all classes as to the facts about rates, and as to their opinion of the incident of rates.

5791. Did you find that there was a very general opinion that both owners and occupiers claimed that they paid the same rate; the owner maintaining that he paid it ultimately, and the occupier that he, the occupier, paid it?—Yes, that was the case; I found particularly that land agents and surveyors invariably said that the owner paid it; and I believe that that is from the fact that where they value for the purpose of rent in the revaluation of our estate, they invariably deduct the rates from the produce of the land or from the fancy value which they put upon a house; therefore, I came to the conclusion, that I must rather dismiss their evidence from consideration, and depend more upon the facts.

5792. That you must dismiss the evidence of valuers upon that point?—Yes; I thought that their views were not so much to be relied upon because of that habit.

5793. It would appear, I presume, that, in fixing the price, they actually do take the rates into consideration as outgoings which affect the value of the property?—Land valuers do that, but I consider that the theory rather than the strict practice of the country. Supposing that both owner and occupier agreed to be bound by the award of a valuer, no doubt that would be the fact, but in practice, the thing is often decided differently. It is decided by the custom of the country and by local demand and supply, and is very often a much more arbitrary rate than any land valuer would allow.

5794. In dealing with the subject, we must take into consideration not only the abstract theory of political economy, but your experience in examining into this subject is, that a great deal goes by custom?—A great deal goes by custom.

5795. And while it may be proved that either the owner or the occupier ought to pay the rate, occasionally you find in practice a variance from that general principle, according to the customs of particular localities?—Very much so. First of all, in the case of houses, take any locality, and you will find that the amounts of rent are settled by the custom of the locality, and not by the variations of the rates; if the rates are increased the house rent does not diminish, and *vice versa.* I had an instance of that in the East End of London during the time of the great distress in the East End, where the rates were very heavy, and the distress of the occupiers was very great. To my great surprise I found that the rents were not reduced at all; and so far from that, as is well known, notwithstanding all the distress, when the new Reform Act threw the

the rates upon the occupiers, the owners actually raised their rents in the face of the distress.

5796. So far as the part of your evidence goes, if the owners do not put down their rents when circumstances seem to point in that direction, they at all events put them up on the opposite occasion?—Yes; they do put them up; and any change that takes place in the rating, I am afraid, usually goes to the disadvantage of the weaker party; and in this case it went to the disadvantage very much of the occupiers.

5797. Do you attribute that to the circumstance, that in London, on the whole, the supply of houses is deficient, and that therefore the landlord has very great power of throwing the burden upon the tenant?—That was not so in the East End, because when I used to go through the district there were houses standing empty by the score, and yet in the face of that they put up the rents.

5798. Did not the fact of their standing empty in scores partly come from the unwillingness of the landlord to establish a lower rate of rent?—That was so. I suspect that it was rather a little bit of trade unionism on the part of the landlords.

5799. And, as they had great power by that little bit of trade unionism, and through the fact that in many parts of London there was scarcely a house to spare, they were able to secure the rents being kept up?—Yes; I should say that the poor did obtain relief in one way, when the distress came on, that mechanics formerly in receipt of good wages, and living in two or three rooms, packed themselves into one, and so saved half their rents; but that was the only way in which they could get any relief.

5800. As far as occupiers go, is it your experience that they generally consider that they pay the whole of the rates?—They do in many cases, and many occupiers of farms do; and no doubt occupiers generally consider that they are paying the rates.

5801. What is your own opinion, keeping, in the first instance, to houses, as to the persons on whom the rate falls; do you consider that it falls exclusively on the owner, or exclusively on the occupier, or that it is borne partly by both?—I think that there can be no doubt that it falls upon both. I think that the rent of a house is fixed by a combination of two circumstances: the first is the local custom of the place, and the second is the supply and demand; and any great increase of rates, or existence of rates, would modify the supply and demand, and so act upon the house; but the rent of a house is not reduced, as I said before, on any increase of the rates. For instance, in such a locality as Hampstead the way in which it would act would be that the owners would refuse to reduce their rents, but the occupiers would go to some other locality, and then after a time there would be a great number of houses left vacant, and the rents would come down. I have known that occur within my experience several times; so that I drew the inference that rates do fall in a considerable measure upon the owner; but that they also fall in part upon the occupier, because the occupier takes at a sort of haphazard rent, and therefore must have to pay some part of the rates, though he has not allowed for them.

5802. When there was an increase of rate, the occupier would consider whether it was worth his while to stay in the locality and pay the increased rate, or whether he would leave it?—Yes, that is so.

5803. Then the occupier in most cases, or, at all events, the better class of occupiers, would pay the increased rate rather than go to the expense of leaving the neighbourhood?—Yes; that is very commonly the case, because a man says the increase of rates is not sufficient to counterbalance the very great inconvenience of removing my furniture and changing my locality. I have only heard of one instance where the increase of rates did really, at once, reduce the rents; but it is not of my own knowledge. I was told it by a person well acquainted with the place, that, during the distress in Deptford, the rates went up to some very high figure indeed, something like 8 *s.* to 10 *s.* in the pound; and that the landlords lowered their rents through the greater part of the town.

5804. Would you hold this, that it is important to distinguish, in the first instance, between the rates which were in existence at the time when the contract for the lease is made or for a tenure of any other kind, and the rates that are imposed subsequently?—Yes.

5805. As regards the rates in force at the time, they are more or less taken into consideration, I presume, in forming the contract for the lease?—I do not think they are, by the generality of the occupiers of houses. I do not think that the generality of occupiers take much care what the rates are. They know about what the rent is in the locality or situation, and they make their own bargain for less or more, without regard to the rates.

5806. If there was a street of which one side was in one union and the other side in another, and one was highly rated and the other less rated, would not that distinction make a difference in the rates?—Yes, I grant you that; and I remember Mr. Harcourt was telling me one day that he had a case in point. He wanted to take a house, and he found it was 10 *l.* lower on the one than on the other side of the street, and when he asked the reason, he was told that it was because they were in different unions and had different rates; such a very glaring thing as that becomes known to the people who let houses, and sometimes is allowed for; but in the general run, within the boundaries of the union, it makes very little difference whether there is a rise or fall.

5807. Have you had any instances under your notice where there are other charges upon land besides the rates, and how far they are taken into consideration in making a lease, the commutation of tithes for instance; we have had cases stated to the Committee, in the City of London, where they have been as high as 2 *s.* in the pound, and where it has only been discovered after the lease has been signed; have any such cases as that come before your notice?—No, I have not had any case like that. As regards land tax, I have not had any cases of high land tax under my notice; it has generally been a small tax, but the land tax is very oppressive in some localities where it was originally assessed on a high valuation.

5808. It is very oppressive in some portions of London, is it not?—I do not know that it is in London; I know that it is in the country.

5809. Would not those be questions which would be taken into consideration by the occupier,

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pier, before taking a house?—He might or might not take them into account; but it is often taken on a sort of haphazard guess at the value.

5810. As regards the original rate made at the beginning of the contract, are you not of opinion that a portion of that is borne even by the ground landlord, when the ground landlord makes his first bargain, or when there is a new arrangement with the ground landlord?—If you take merely the ground landlord who has a quit rent, by which the plot of ground is held, I daresay it may enter into it in some indirect way; but it hardly enters directly into the consideration of what should be the ground rent.

5811. Would not a very considerable proportion be thrown upon the ground landlord, where the ground rent stands in a very great proportion to the building rent?—Yes, no doubt.

5812. And where the ground rent is very small, the proportion borne by the ground landlord would be very small?—Yes.

5813. But if the ground rent is very high, then a greater proportion of the rate might be thrown upon him?—Yes.

5814. Have you ever consulted the authorities on political economy upon this subject?—Yes, I have.

5815. Can you state to the Committee what the received view has been upon the subject?—The received view as regards houses is, that there are two rents paid; the one the ground rent; and the other what is called the building rent. Adam Smith, whom I have brought with me, gives that very clearly; and in book 5, chapter 2, "Taxes upon the Rents of Houses," he states that "The building rent is the interest or profit of the capital expended in building the houses," and is "everywhere regulated by the ordinary interest of money." And he concludes that the rates on that must necessarily fall upon the occupier; because he says if they reduced the rate of profit below the average rate of profit in the trade, there would be a cessation of the supply of houses, and the demand would increase, till the rents would rise up to the point in which it was thrown upon the occupier. That is concurred in by M'Culloch and by Mill, very decidedly, and is the received doctrine in political economy.

5816. Have you the passage in Mill with you?—Yes, I have.

5817. Will you state it very shortly to the Committee?—As regards houses, he says, in the chapter on Direct Taxes, book 5, chapter 3, section 6, "The rent of a house consists of two parts, the ground rent, and what Adam Smith calls the building rent. The first is determined by the ordinary principles of rent;" but as much of the rates as are a tax upon the building rent must ultimately fall upon the consumer, in other words, the occupier; and he repeats the argument which I have stated of Adam Smith.

5818. Then the substance is this, that the way in which the taxes will fall upon the ground or upon the house depends upon the ratio of the capital which is borne by the one to the other, and if the capital which is put into the house is large, it will bear a great portion of the rates?—Yes.

5819. But if, on the other hand, the ground rent were very high, with a very small cottage built upon it, the cottage would bear very little of the rates, and the ground rent would bear a greater proportion?—No doubt that is, theoretically, the *rationale* of it, but, of course, that is liable to very great variations in practice; and I think that building rent has a tendency to acquire the nature of ground rent in the older houses, so far as rates are concerned.

5820. Have you ever worked out yourself how the proportions would be borne if you had a house of which the ground rent was half the value, and the rates were exceedingly high?—No, I have not; there is this difficulty in bringing that theoretical rule into practice, namely, that the owner of the reserved ground rent has his ground rent fixed at the beginning almost before the rate question comes into full play, and the reserved ground rent is unalterable throughout the lease; and therefore a great deal more on that account is thrown on the building rent which comes afterwards.

5821. In fact, by the system of 99 years' building leases, the ground landlords have made made an exceedingly good bargain?—I think they have.

5822. They have escaped the growing local taxation?—Yes, they have; and that growing local taxation has been a very serious thing.

5823. When leases fall in, and there is a renewal of the term, then the rates come into play, and have to be paid, in part, by the ground landlord?—Yes; but he does not feel it, because he gets such a great accession of property at the time, that it is next to nothing. It is like the succession duty on property that a man comes into on a predecessor's death.

5824. But so far as houses are concerned, the heavy rates paid upon houses act as a discouragement upon the capital to be put into the building trade?—No doubt they are a great discouragement to it.

5825. Where the ground has once been taken, and it is a question of pulling down cottages and building up houses on the same land, which would be rated very heavily, it would operate, would it not, in such a manner as to diminish the expectation of profit?—Yes, it would.

5826. Where a man buys fresh land and puts fresh houses upon it, he is able to calculate what he can afford to give for the land?—Yes.

5827. But if it is already covered with houses, and there is an existing agreement, if he wants to change the houses from one class into another, the rates would affect him very much?—Yes, they would.

5828. If a man had got some small cottages, and were to pull them down and rebuild upon the same land, one of those large high buildings like Sir Sidney Waterlow's, which have a vast number of tenements in them, the rates would have to be borne almost exclusively by himself?—Yes, as long as the lease lasted, no doubt that would be the fact.

5829. Will you state in what respect you consider the case differs as regards land, taking the doctrine that you have laid down as regards houses?—As regards land no doubt the rates come more upon the owner than they do in the case of houses; Adam Smith considered that they fell almost exclusively upon the owner, but in a later part of his chapter on that subject, he puts in the exception, that you must take into consideration that part of the rent is derived from improvements, and would be on a different basis; that idea has been very much more developed

veloped by McCulloch and by Mill. McCulloch in his work on Taxation, the third edition, page 53, states that a portion of the rent of land consists of a return for the capital expended upon it, and he says, "There can be no reasonable doubt that in all old settled and highly improved countries this portion of the gross rent greatly exceeds that which is paid for the use of the inherent powers of the soil. In all populous and advanced countries it depends in a far greater degree on the outlays upon their estates." He and Adam Smith also laid down the rule that the rates upon what we may call the ground rent, the rent for the value of the land, fall upon the owner, and that the rates upon the outlay which has been made in the improvement of the land fall upon the occupier. But I think on re-valuations improvement rent tends to merge into ground rent, just as I said of building rent.

5830. Practically, the theory is the same as regards land and houses, but the rates fall more upon the occupier in the case of houses than in land, on account of the proportion of capital put into the buildings to the value of the ground being so very much greater?—Yes, it is much greater.

5831. When a man pays rent for a farm, the improvements bear a very small proportion to the value of the land itself, and then the proportion borne by the occupier would be very small?—Yes, that is often, but it is also constantly the case on large estates, and, in fact, on all well managed estates, that the occupier comes to the landlord and says to him, "Will you lay out so much money upon my farm, and I will pay you interest upon it, say five per cent., or six per cent.;" that is done time after time, and on that I consider that the occupier pays the rates and not the landlord, for the same reason that was given in detail by Adam Smith in the case of the building rent of houses.

5832. The improvements standing to land in the same relation that the building rent stands to the ground rent in the case of houses?—Yes, they do.

5833. That being the theory as regards land, do you think that, generally speaking, that theory is true in practice?—Yes, it is to a considerable extent. Of course it is, like the other, subject to very great variations; but in some parts of the country where the rent is the full value, his full share falls upon the owner; in other parts of the country, where the land is held at a low customary rent from year to year, the occupier is like a lessee, and pays more of the rates.

5834. Wherever rack rents are paid, it falls upon the owner, but in the other case it falls upon the occupier?—Yes, more falls on the occupier.

5835. Then the occupier pays the rates in this sense, that he pays heavy rates, but has an easy rent in the second case?—Yes, that does happen. But if a tenant is over-rented he also pays more than his share of the rates.

5836. Is it your opinion, from your inquiries, that a considerable portion of the country is held under leases or agreements where the rent is not rack rent?—The great estates are not rack rented. All estates when the property change hands are put up to valuation, but the great estates are let very much below the rack rent.

5837. In your opinion, would the question of the occupier paying the rates depend a good deal upon the frequency or infrequency of changes of rent?—No doubt it does.

5838. But changes in rent are not very frequent on large estates generally in the country, I believe?—No; tenancies continue for 100 or 200 years in the same family.

5839. Mr. *Hunt.*] Not always at the same rent?—No, but still it is raised in a much more gradual way than if it were done, as on the Scotch system, by leases, which are always revalued at the end of the term.

5840. *Chairman.*] Are you acquainted with the Scotch system at all?—Not much, but I sometimes am in Scotland.

5841. Is it your impression that the rent is changed more frequently in England than in Scotland?—Less frequently in England than in Scotland.

5842. And the consequence is that the fluctuations in the rates have been borne to a greater extent by the occupier?—Yes.

5843. The incidence of the rate on the occupier is to a certain extent a consequence, is it not, of his favourable terms as regards the rent?—Yes, and is also a consequence of unfavourable terms.

5844. If there were a fair competition for farms, and the granting of leases depended simply upon that competition, would not the rates come out of the pocket of the owner almost immediately?—Yes, the greater part of them, if the rent is adjusted to the fair market value.

5845. What I mean is this, if a man is looking for a farm, he will not give the same amount of rent for a farm where the rates are heavy, as he would for a farm where the rates are less?—No, certainly not.

5846. Then so far as competition or free trade in farms prevails, the rates will come out of the pocket of the owner?—Yes, that is so.

5847. But it is owing to the tenants in many cases holding their farms below the rack rent, that they have to bear the increased local taxation, which is so heavy?—Yes, owing to their low customary rents, which are like rents on a favourable lease.

5848. Do you think that the occupiers would be willing to get rid of the increased burden of local taxation, by throwing it upon the owners at the expense of having all their rents revised?—I think that they would object very strongly to having an alteration of the law, which would, as its consequence, entail a general revision of rents.

5849. Might it happen that if the rates were thrown upon the owner, which might render it necessary to make a new bargain, in that new bargain they would not be so well off as they had been under the old bargain?—The result throughout the country, I have no hesitation in saying, would be this, that the owners might pay half the rates, but that the rents would be raised in considerably more than that proportion.

5850. Not because of the danger of an increase of rate, but because at present a great deal of land is held at rents less than the actual value?—Yes, that is so.

5851. And the owners would, no doubt, secure themselves by putting on a margin to provide against the increase of the rates?—Yes, they they would exact the full value, which would be more than the increase of rates.

5852. They would try to do so, would they not?—Yes, thrifty owners would do so.

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5853. But if they tried to do so, it does not follow that they would be able to raise the rents in that proportion, does it?—No, it does not, but I do not think that they would do it to a very great extent, because I think that they look much less closely to it than the farmers do.

5854. On the principle that it does not make so much difference to them?—No, it is the habit of a farmer, it is part of his existence, to bargain, and make good bargains.

5855. And that is not the habit of landlords?—No; if you sent a gentleman and a farmer into the market with the same flock of sheep or cattle to sell, the one would bring a very different result out of it from the other.

5856. Do you admit the phrase as correct, that the owner would be able to throw at his will, if he chooses to do so, a certain portion of the rates upon the occupier?—Yes; he could increase the rent up to the full value, but not beyond.

5857. It is generally said that the owner would increase the rent, in order to cover himself against the risk of future rates; but is the owner in such a position that he can increase or decrease the rent at his will?—No, he could not do it, unless, as I say, the occupier is very much under-rented, and then other people would be willing to step in and take the farm.

5858. If the education rate were put on, where the farmers are rack rented, would the owner be able to put on the threepenny education rate upon his tenants?—No, I do not think he would.

5859. Of course if there is a margin, they might be able to change the rent, so as to include it; but where there is no margin of that sort, they would not be able to put it then upon the rent?—No; I was speaking of the case of some old rate being taken off, but this is the case of a new rate being put on.

5860. If some old rate were taken off, would it be followed at once by an increase of rent?—If it was a large abolition of rates, no doubt that would be followed by an increase of rent; but if it was small, then it would not.

5861. Thereby confirming what you have originally said, that the rates mainly come out of the pockets of the owner?—Yes, I think that they come mainly out of the pocket of the owner.

5862. The reductions in the rates being to his advantage, and the increase of rates being to his disadvantage?—Yes, in the main they are to his advantage. A greater proportion of rate, I think, comes out of the pocket of the owner, and a lighter proportion out of the occupiers in the case of farms.

5863. Would you consider it a desirable process, if it could be carried out, to throw one-half of the rates, or any portion of the rates, directly upon the owner?—Theoretically I should say that it was a very just and equitable thing, and if you were legislating with a *tabula rasa*, as they did in Scotland when the new Poor Law was introduced there, it would be quite the right thing to do, to put it one-half on the owner and one-half on the occupiers; but when you come to the old state of things, old customary rents, and old leases, then it becomes a question of whether the inconveniences of a change counterbalance the advantages that you would get out of it.

5864. The inconvenience of a change being the necessity for readjusting, to a certain extent, the existing rents?—Yes.

5865. On the other hand, is it not a disadvantage that there should be two people who fancy that they are paying the same rate?—No doubt it is; that is a very considerable hardship. And there is also this hardship, which is very much greater, the increase of rates falling upon the occupier.

5866. Would not that be met to a very great extent, by the risk from which the occupier has suffered so much being divided between him and the owner?—Yes, I quite subscribe to that, and I would be prepared to go further than that and say, that as to land the whole of the increase of rates should come upon the owner; so that it did not exceed one-half of the total rates; I mean that the gradual increase of rates upon a farm, that is to say, the new rates, might be put upon the owner, but they should not exceed one-half of the total rates for the time being.

5867. I understand you to think that that would be desirable, but to doubt whether it is possible to be done without very great disturbance?—I do not think it would occasion disturbance. If you took the present rates and divided them between the occupiers and the owners, that would necessitate a readjustment of rents all through the country; but if you simply enacted, that half or the whole of the new rates should fall upon the owner, there would not be that necessity for readjustment.

5868. Do you mean by new rates, the increase of the present rates, or were you thinking of new rates for new purposes?—I meant the increase over the present amount of rates in the pound, whether arising from old or new rates.

5869. Could you throw that upon the owner for the future where the owner has a contract that all rates and taxes should be paid by the occupier?—I do not think there would be an injustice in that; you cannot make any change without some disadvantage, and I do not think there would be an injustice in that.

5870. Where an owner has let a farm on a 21 years' lease on the condition that the occupier is to pay all rates and taxes, would it be fair to draw a line now and say, assuming, for instance, that 11 years of the lease have passed, that the increase of rates during the remaining 10 years of the lease, dating from now, should be borne by the owner?—You see the bargain is entered into, because it is the custom of the country; and you may call it a blind bargain between them. The increases in many cases were not at all foreseen, and therefore I do not see any hardship in putting them upon the owner. Let me take an instance; I am a shareholder in a colliery in Yorkshire, the Wombwell Colliery, which pays one quarter the rates of the whole parish; after the lease was entered into, suddenly somebody took it into their heads to propose a cemetery rate there, and they spent 3,000 *l.* upon the cemetery of that small village, one quarter of which for the whole of the term of the tenancy afterwards will come upon that colliery; it is a burden of 60 *l.* a year on the colliery, which was never foreseen when the bargain which made, and I do not see why it should be unjust that a part of that should have fallen upon the owner.

5871. Would you recommend that if any portion of the rate should in future be put upon the owner, there should be an enactment similar to that in the income tax, that it should be illegal for the occupier to contract to pay the rates?—Such an enactment would be necessary, if the law is

is not to remain a dead letter. Let me mention another instance. It is now proposed by the legislation that the rates should be, to a certain extent, equalised over London. The effect of that will be that the occupiers, and in a very large number of houses the owners, at the East end of London will, by an Act of the Legislature which nobody could foresee, throw their burden upon the leaseholders, that is to say, the occupiers, of the West end of London. That is a burden which could not have been foreseen, and I think is one that ought very justly to be shared between the owners and the occupiers.

5872. In one case you have a distinct contract, but in the other you have not?—The contract is the same in both cases.

5873. There was no contract that the rates were not to be equalised, and so the risk remained which the owner might have to bear. But in the case of the leaseholder, who undertakes to pay all rates, there is an actual contract, and the owner might assume that he had covered himself all risk; does not that make any difference in your opinion?—Yes; the occupier covenanted that he would pay the whole of the rates, not foreseeing, and neither of them foreseeing, that there would be a change in the law in that respect; but if the law is to be changed to throw an additional burden upon property, why should not it be put upon the owner just as well as upon the occupier?

5874. You do not think that all those risks were in the owner's mind when he made this contract that all the rates were to be paid by the tenant?—I do not think they were. I have no doubt that if a man were bargaining for a house at Hampstead, supposing they were both on the ground, the owner would say to the occupier, "See what a light-rated place this is, and you may therefore not be afraid of the rent."

5875. Therefore you do not think that, as a matter of fact, occupiers take that into consideration?—No, I do not think that it does constantly happen, but still it would happen if the people come into contact and bargain over the ground.

5876. However, it is your opinion that, as regards the increase of rates, the Legislature might deal with existing contracts, and that they might fairly put the increase of rates from the present point upon the owners, to a certain extent?—I think so, very justly.

5877. In the same way as the income tax was placed upon the owners?—Yes.

5878. A witness has given his opinion here that it would be futile to put a clause into an Act throwing the rates upon the owner, to the effect that it should be illegal for parties to contract themselves out of it; would that be your opinion?—I think it would be necessary to put such a clause.

5879. You do not think that such a clause would be futile?—No, I think not; the income tax clause is not futile.

5880. Have you given your attention at all to the question, whether any administrative change, as regards the position of the owner in the administrative bodies, ought to be made if a proportion of the rate is put upon the owners?—That is to say, the owner ought to have votes in proportion to the burden thrown upon him.

5881. Ought he not to have some representation?—Certainly. Let me mention as regards the poor rate a fact that has come under my notice: in the elections for guardians under the Poor Law the owners have the power of claiming to vote as owners, if they choose, but, as a practical fact, they do not claim; they only claim where there is a hot contest, and they claim for a time; but throughout the greater part of the country the occupiers are the only people who are put on the rate, and registered by the overseers; the owners are only on the rate when they voluntarily come forward. Any change of the law as regards taxation ought to include, what I have lately given evidence before the Committee on County Registration, that it ought to include Parliamentary voters, namely, a registration of the owners by the overseers, just as the occupiers are registered.

5882. Have you given your attention at all to the question of the municipal and parochial franchise, and are you acquainted with the system of the registration of voters for those purposes?—Not for municipal purposes.

5883. But can you speak as to the election of guardians?—Only a little.

5884. As regards the voting in vestries; are you acquainted with that?—I am not.

5885. Mr. *Walter.*] In the course of your inquiries, have you found any difference of opinion to prevail with reference to the incidence of tithes?—No; that is such a small thing that I hardly ever heard it mentioned.

5886. But surely a tithe rentcharge of 6*s.* or 7*s.* in the pound you would not consider a small thing?—No; that would be very heavy; but I I have never come in contact with so heavy a tithe rentcharge as that.

5887. Has it not occurred to you to consider the question of tithes in connection with rates and other charges upon land?—No; because I have hardly ever come in contact with any high tithes.

5888. Are you not aware that in many parts of the country the tithes are considerable; in some cases upwards of 5*s.* in the pound?—No, I was not aware of that.

5889. Assuming that to be the fact, which I have known to be so, speaking from experience, have you any doubt whatever that the tithes, be they more or less, that are borne by the land, fall upon the owner?—No doubt about it.

5890. So far as the poor rates and county rates may be considered a fixed quantity, and the assessment upon which they are based also to a certain extent a fixed quantity, so far you have no doubt, I presume, that those charges are borne by the owner?—Yes, whenever the rent is anything like the value of the land.

5891. You do not see any distinction in principle, do you, between the incidence of tithes, regarded as a charge upon land, and the incidence of other rates?—No.

5892. Mr. *Smith.*] I think you mentioned that the owners raised their rents at the East end in the time of distress?—Yes, during the time of distress they did so.

5893. Is it true that the cause of that increase of rents was due to the influx of persons who sought relief?—No, I do not think it was. I think that is quite a mistake; because I have myself seen houses standing empty from people having gone away, in the first place, and secondly, from their having contracted themselves into a smaller number of rooms than they previously occupied.

5894. It has been alleged that the enormous expenditure of charitable money in the East end

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of London has attracted a large number of persons to go and settle there, and that that, possibly, has created a certain competition for houses; are you of that opinion?—No, I do not think that is so; the charitable money is increased by the imagination of the public to a very large extent; it bears no proportion really to what a man requires for his sustenance.

5895. With regard to the question of contract between occupiers and owners, you drew attention to the fact that the operation of the Poor Relief Bill would be to relieve the owners in the East end of London, and to impose a burden upon the West end of London; and you were of opinion that it would be right that that new burden thrown upon the shoulders of the occupiers in the West end of London should be borne in some measure by the owners of property; if that burden is borne by the owners of property, have not the owners of property at the East end a claim to the increased value of their property in the shape of rent?—It is very possible that they may assert it; they are not at all indulgent landlords there.

5896. Do you think that they will assert it?—I daresay they will.

5897. So that the relief will rather be to the owners, than to the occupiers, in the East end of London?—That no doubt is so; but still if it is just that the owner should pay less taxation, I think he ought to get that benefit; and it is not just to tax a man beyond his equitable share. Let me mention another point which I had forgotten before, and that is this: supposing you throw half the rates, or the increase of them (as I propose), upon the owner, however just it may be, I am bound to point out that the result will be considerably to increase the taxation on land and real property. For instance, in the metropolis such a change is very much advocated by the Metropolitan Board, and they do so distinctly, because they say that they will be able to lay additional rates; and so it would be throughout the country if they were divided; there would be additional rates put on, because the public would draw the inference that the increased number of shoulders were able to bear the increased burden.

5898. Would it not be much more difficult for the owners to exercise control over expenditure than for the occupiers?—Yes; they would not attend so regularly as the occupiers

5899. And they would not practically be represented to the same extent as the occupiers?—No.

5900. Then occupiers' power of spending the money would be not in the proportion of one-half, but of the whole?—No doubt, in the larger proportion.

5901. You suggested that any increase of the present burden of local taxation should be borne by the owner; the owner has already parted with his property for a given sum for a term of years, in all probability; in the great majority of cases, who will benefit by this outlay, as a rule?—That depends upon what the outlay is

5902. In the case of such an increase as you contemplate, sewers rates, poors rates, lighting, public improvement rates, and education rates?—Some of those clearly they would benefit by; for instance, sewers are essentially a landlord's duty.

5903. After he has parted with his property for a term of years for a given sum, you think that is his duty?—I think so.

5904. With regard to the new rate for education, what would you say?—The benefit would be shared, both by the landlord and the occupier, by the increase of education.

5905. But only as a member of the community; not that he would have any special personal interest in it?—Yes, he would, because the more educated the community is, the more likely the value of his property would be to rise.

5906. But that value could only arise at the termination of the lease?—Just so.

5907. A remote period, probably?—But still I think you are taking it on a different theory from mine. You take it on the theory that a man is not to be taxed unless he derives a benefit corresponding to the taxation. I took it rather on the theory that it was the duty of the subjects of the State to furnish certain benefits to the population in proportion to their property, and to pay on account of that duty, irrespective of the benefit or advantage that they themselves might derive.

5908. Mr. *Birley.*] You told us that you thought that the rates would not be usually taken into consideration as affecting rents, but how does this Hampstead Heath illustration agree with that, because you also gave us the case of a landlord meeting a tenant, and showing him a house, and telling him how low the rates were in that neighbourhood, to induce him to accept the house?—I said if he took him there, no doubt he would tell him that.

5909. And if he did, that would be a very powerful argument?—I mean to say that the custom of the locality would influence him. It is known that the Hampstead rates are low, and, therefore, the rents are customarily high; but still, what I meant to say in the other case is, that the rise and fall of rates are not taken into consideration in making bargains for letting houses.

5910. Does that apply to houses of a low class; say, 5 *l.* or 10 *l.* houses?—There it falls upon the owner now.

5911. Then there it does come into the rent distinctly?—Yes.

5912. You tell us, quoting from Adam Smith, that the building rent is regulated by the interest of money; but that is, of course, very complicated, because, though it applies to new buildings, it does not apply to old houses?—No; but the old houses are governed very much by the new.

5913. One neighbourhood may become unfashionable, and another neighbourhood comes into vogue, and those things influence rents, do they not, almost as much in old houses as the cost of building?—No doubt that is very much the case.

5914. And also the value of land is not always a matter of rent, because a builder like Cubitt would take land by the acre and dispose of it by the yard, and, therefore, his profit is very much influenced by the extra price that he gets for his land?—No doubt; but the Chairman was speaking about a large ground rent, and such a case as that occurred to my mind. The common case is that a builder takes a large quantity of land, and, therefore, gets it on very favourable terms, so that the ground landlord gets comparatively a small rent, and then the builder puts a large high palatial structure upon it, so that what has to bear the building rent is very much out of proportion to the ground rent.

5915. Speaking

5915. Speaking of covenants between occupiers and owners, that the occupier shall pay all the rates, are you not of opinion that that is convenient to both occupier and owner, inasmuch as the owner often resides at a distance, and has no sort of control over the rates, and the occupier residing on the spot is willing to take his chance? —That depends upon the class of houses which you speak of. If you speak of 5 *l.* or 10 *l.* houses in London, it is the other way; it is very much more convenient both for the owner, the occupier, and the overseer, that the owner should pay; but if you speak of a high class of houses then, no doubt, it is convenient that the occupier should pay; and it is convenient both to the owner and to the overseer; but where there is a considerable and sudden increase of rates it is not at all convenient to the occupier himself.

5916. Then, as regards those blind bargains and the income tax, where there is a clause which specially requires that no contract existing between the owner and the occupier shall prevent the occupier deducting the payment of the tax from his rent, do not you consider the income tax essentially different from rates; the income, or rather the property tax being paid as part of the imperial taxation?—You must go back to the time when the income tax was instituted. If you went back to the year 1842, it would be precisely similar to the prospective case that you are now contemplating as regards rates; leases had been taken of houses and land with covenants against payment by the owner.

5917. Is there not an essential difference between a tax which is taken from the owners of property and paid away into the imperial revenue, and a tax which is taken from the owners of property or from the occupiers for local rates?—No, because I consider that, for instance, the rates for the poor are really imperial taxation, although they are levied in a local manner; it would be different if you talked of the sewers rate or the highway rate.

5918. Mr. *Gregory.*] As I understand your argument with respect to the effect of rating upon property, it is this, that where rates are high in a neighbourhood, it effects a general depression of property in that neighbourhood as compared with one where the rates are low?—That is to say, the property is lower rented than it would otherwise be.

5919. But a temporary fluctuation of rates does not much affect the letting of houses during those fluctuations?—No, it does not.

5920. You are probably aware, are you not, of the usual rule as to the assessment of ground rents with respect to the value of buildings put upon the land?—I have not had much to do with ground rents.

5921. Are you not aware that a surveyor in laying out a building estate usually assesses the ground rent at one-sixth of the rack rent of the property?—I was not aware of the proportion.

5922. You are aware that there is a proportion?—Yes, I am aware that there is a proportion, but it is subject to great variation in bargaining.

5923. You say, do you not, that the rates upon improvements in the case of land fall upon the occupier, to a certain extent?—Yes, that is the theoretical rule laid down by the economists.

5924. We will take buildings and drainage; those are improvements generally effected by the landlord, and, as you say, the tenant pays an interest of 5 or 6 per cent. upon them?—Yes, that is a very common arrangement.

5925. And large sums, as we know, have been laid out in that way?—Yes.

5926. That gives an improved value, does it not, to the property?—Yes.

5927. And in case of a new assessment, the assessment would be raised in consequence of those improvements?—Yes, it would.

5928. On the other hand, the farmer derives a larger profit from those improvements, does he not, in consequence of having those improvements put upon the land?—Yes.

5929. Therefore the rate is not so much upon his rental as upon the addition to his profits; is it not?—Yes.

5930. It is on his profits, and not on his rent, in fact?—It has to be borne, of course, out of the profits.

5931. There is an increase of his profits in consequence of those improvements, is there not? —Yes.

5932. And this rate therefore is in respect of the profits that he makes from the improvements, rather than in respect of the rent that he pays for the land?—Yes, that is held by the political economists whom I quoted.

5933. The man who improves his land by skill and capital makes a larger profit from it?—Yes.

5934. And the rates come out of those profits? —Yes.

5935. And he is not so much assessed upon the rent as upon the additional profits which he effects by his outlay?—That is so. The effect of the principle of rating is very adverse to improvements on that account, because it diminishes the desire of the landlord, or the tenant either, to spend money upon their farms, knowing that they will be immediately rated upon the improvement, whereas if they put their money into any other investment they would not be rated,

5936. The rates are, in fact, according to the present system, an impediment to improvement, are they not?—Yes; that is very strongly argued by political economists; M'Culloch states the case very strongly.

5937. You say that a revaluation would be very much objected to by occupiers?—Yes.

5938. You would throw the new rates, up to one-half, upon the owner, as I understand you? —Yes, not exceeding half the total rate for the time being.

5939. Would not the tenant come every half-year on purpose to settle the account, saying, "I have paid so much for you in rates in the year 1870, this half year; now you must allow me half of that"?—He would say, "I have a right to deduct half that."

5940. And the man would have a right to deduct in every succeeding year so much more than he paid in the year 1870 in respect of rates?— Yes; either the whole, or half, as the Legislature might see fit.

5941. Do not you think that that would lead to considerable practical inconvenience? — No doubt it would, but still it is a question of a balance of inconveniences. It is at present a hardship and an inconvenience that the occupier should have to bear every increase; but were it a question of the expenditure of money, so far as the occupier is concerned, I have no doubt that he would be very glad indeed to bear the inconvenience

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venience for the sake of being relieved of the burthen.

5942. You know that a large portion of the land of this country is let upon agreements from year to year?—Yes.

5943. In that case he would have the power of determining his agreement, and coming for a new one?—Yes.

5944. By which the landlord would have the power of throwing that half upon the tenant in the shape of rent?—If it were a new burthen, I do not think he would, for supply and demand would prevent that if he had previously been at a rack rent; if a new burthen was imposed, and there was a new valuation, I do not think he would be able to throw it upon the occupier.

5945. It is the apportioning of the increase of an old burthen?—It is the apportioning of the increase of an old tax; it is a new amount, a new deduction to be taken out of the produce of the land; an increase of an old tax.

5946. That old tax, up to the present time, has been in the first instance, paid by the occupier, has it not?—Yes; every increase has been borne by the occupier.

5947. In the case of a reduction of rates, how would you deal with it?—No doubt there would be a difficulty in that case; but there are not a large number of reductions of rates.

5948. There have been very considerable reductions of rates, I think, in respect of land, have there not?—In the case of tenancies from year to year, that would adjust itself, because it would bring down the payment by the tenant below what the rack rent would be, and the owner would on the next opportunity raise his rent to counterbalance it.

5949. Would he not equally raise his rent to counterbalance the increased rate that you would throw upon him?—No, I do not think he would; because if I have made myself understood, he could only raise the rent when the rent is below the actual market value of the land; if the increase occurs when it is at its market value, then he cannot raise it; but if a decrease occurs at such a time, then he can raise it.

5950. You have been speaking, have you not, of a large number of estates where the land was not let at its market value?—Yes; and then, of course, it could be put upon the owner; but still there would not be any hardship in that, if they were paying less than the real value.

5951. How would you deal with a reduction in the case of leases?—There would be a great difficulty in that case.

5952. Do you say that those increased rates should be levied in the same way as the income tax?—That would be the only way to make it effectual.

5953. You are aware that the income tax is deducted from mortgages, and parties having charges upon the land?—Yes.

5954. Would you deduct this increase of rates in the same way?—No; I do not think I would.

5955. Why not?—That is a point which I had not considered before; but a mortgagee stands in a different position to a landlord as regards rates, and does not now ultimately pay any part of them, while a landlord ultimately does pay part.

5956. But they do not stand in a different position as regards income tax?—They do not.

5957. Why should they, as regards this increase of taxation?—There is no theoretical reason why it should be in one way more than another; but only the present practice. To change it might lead to a general demand of higher interest on mortgages, which would cause loss to the landowners.

5958. Do you not consider that putting the rates upon the owner would lead to an increase of rates?—Yes; I think it would, in the long run, lead to an increase of the total taxation upon land, and upon real property.

5959. Have you considered the question of the representation of owners if those rates were thrown upon them?—Yes.

5960. You propose to have them registered, do you, by the overseers?—Yes, by the overseers, just as occupiers are now registered.

5961. Then they would be in a certain proportion to the occupiers, would they not?—Yes; they only bear now a small proportion in actual payment, but they now have a right to be represented, and they have that right in respect of their virtually and ultimately paying a large proportion of the rates.

5962. We have been told that there would be considerable difficulty in putting them upon the register; are you of that opinion?—No doubt that is the case, both for parochial and for political registration; there is considerable difficulty till you have got an accurate register of the ownership of property throughout the country.

5963. Have you considered the proportion which the owners would bear to the occupiers upon the register in point of number?—It would be much smaller.

5964. In many cases, the owners would be absentees, would they not?—Yes.

5965. And men engaged in other occupations?—Yes.

5966. Would there not be great difficulty in getting them to attend to questions of local taxation?—Yes, there would be some difficulty; but I think it would increase their interest when they felt the pressure more directly.

5967. In some districts the owners of property are nearly all absentees, and you could not, I presume, get them upon the parochial board?—Not often; but if they did come, their opinions would have a great deal of weight, and they would be very much looked up to.

5968. But still they would be only individuals as regards voting?—Yes, by the scale of voting.

5969. Mr. *Seely.*] Do you not consider that an owner would let his property upon lease for less money if the tenant agreed to pay the rates present and future?—Yes, I dare say he would.

5970. Do you not, then, think that the effect of making the owner pay them in spite of the contract would be this, that the owner would be made to pay the rate twice, once in the reduction of rent, and a second time directly by the action of the Legislature?—That depends upon whether the increase had been foreseen or not. Take the case of that cemetery rate to which I have referred; that was a thing unforeseen: or take the case of the shifting of taxation from the East-end to the West-end; that was unforeseen; and I apprehend that that was not considered by the parties when they made their bargain.

5971. In making a bargain, would not the owner let his property for less if the tenant agreed to take the chance of an increase?—Yes, I daresay he might, if the proposal were distinctly put.

5972. Then,

5972. Then, clearly, would it not be the effect of making the owner pay that he would pay twice?—No; but the difference between us there is this: that you ask me the question in a general way whether he would. Certainly I say he might, because he would consider that there would naturally be a certain amount of increase; but neither of them, as I contend, could have foreseen the extraordinary and new burthens put upon them.

5973. The tenant upon my supposition took the chance and the landlord paid?—No; what he would take the chance of would be, not of the new burthens which the Legislature might impose, but of the poor rate and others which he foresaw at the time.

5974. Do you limit your remarks entirely to new burthens?—Yes, I should limit them in that respect to new burthens.

5975. It would be monstrously unjust, would it not, to interfere with existing contracts with respect to old burthens?—But you must make a general rule there. No doubt in any new rule you must come upon cases of hardship, and that would be one of them where the old tax got increased by the operation of the new rule, and part of it fell upon the landlord; I do not see how you can avoid that if you are to remedy the present great hardship of all the increase falling on occupiers.

5976. Colonel *Brise.*] Speaking of the land tax, I think you said that the occupier does sometimes take the land tax into consideration; but does not the owner always pay the land tax?—The owner has to pay the land tax, but it is a very common thing for the occupier to pay it by agreement.

5977. That is not illegal, is it, in the same way as any agreement with respect to income tax?—No.

5978. Is it not your opinion that the occupiers are much better administrators of the rates than the owners would be, especially in country districts?—They are much closer administrators.

5979. And much more economical?—Yes.

5980. Would that be applicable to the metropolis as well as to country districts?—When you come to the metropolis, I am sorry to say in some of the parochial boards you come upon a tendency to jobbery, and the remark must be qualified as regards them by that possibility.

5981. Then your observation is principally applicable to the country?—Yes.

5982. You recommend that half the increase of the new rate should fall upon the owner, and you say that the occupier paying the increase of the rate is an injustice upon the occupier; but surely if the whole increase is an injustice upon the occupier, half the rate is also an injustice upon the occupier?—No; what I said was, that I thought it would be just to put, not only half the increase upon the owner, but the whole of the increase upon the owner, not exceeding half the total rates upon the property for the time being; so that the effect would be, that supposing the rates were 4 *s.* in the pound, and they were increased to 6 *s.*, the 2 *s.* would go upon the owner; and supposing they were increased to 9 *s.*, then only 4 *s.* 6 *d.* would go upon the owner.

5983. You would put half the increase of rate on the owner, and half on the occupier?—No; I should put the whole of the increase up to half the total burthen upon the property at the time.

5984. If you put the increase only on the owner you might carry it out in this way; you might say the average rate on this occupation was 2 *s.* 6 *d.* or 3 *s.* in the pound, and any increase upon that might be placed upon the owner and get it in the same way as the income tax, the occupier deducting it from the rent; but how would you carry out your proposed system of putting half of all the rate, including the increase upon the owner?—Because every locality would know its rate, in the year of grace in which such a law was passed, and that would be the standard rate, say 3 *s.* in the pound; then as soon as it got above 6 *s.* in the pound, the double, that would be another point to start from; when you got above 6 *s.*, the whole rate would be divided half and half; it is merely a date in the one case, and a date in the other case.

5985. You think that all new rates might be put upon the owner?—Yes, I would do it with that view, to diminish the hardships upon the occupier; at present the whole increase falling upon the occupier.

5986. Is there any kind of rates that you would specially allude to, that you think the owner ought to pay?—The sewers rate is one which is peculiarly an owner's rate.

5987. Have you ever given any consideration to the subject of putting the county rate upon the owner?—Yes, that is another which it would be fair to put upon the owner if you dealt with it in that way; there are two or three ways of dealing with the rating question; first, by putting half of all rates on the owner; second, by putting half, or all the increase, on the owner; third, by putting the whole of certain specific rates, like the county rate, upon the owner.

5988. Would you recommend that the whole of the county rate should be placed upon the owner?—I should not object to that mode being taken.

5989. *Chairman.*] But do you prefer your plan?—I think my plan would be a more simple rule for the whole of the country; the county rate would only apply to a portion of the country in any great degree.

5990. Colonel *Brise.*] I think you said that the result of throwing the burden of the rates upon the owner and the occupier would be a great increase of taxation on real property; will you explain how you think that increase would be arrived at?—Take the case of London; supposing you divided the rates between the owner and the occupier, you would immediately have an additional rate by the Metropolitan Board of Works, because they would then say the maximum burthen of taxation was not reached, which they now say has been reached; under the proposed law they would be very glad to have them half and half, because then they would say the maximum was higher, and that they would get the maximum possible taxation; therefore they might raise their taxation till they got what they wanted.

5991. Your answer, I presume, is not applicable to all the country, but to London?—I only take that as an instance. I think the same thing might occur in the country too.

5992. Sir *M. Lopes.*] Do you think that sufficient benefits or advantages would accrue from any alteration to justify any different arrangement being made than at present exists?—Why I would advocate the alteration is this, that Parliament is now, year by year, asking for increased expenditure from the country, towards very

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very laudable objects; the better maintenance of the poor, the police, and all sorts of luxuries of legislation which are very desirable to have, and I think it is not fair that the whole of that should be borne by the occupier; if things had gone on in the old rut, merely an increase arising from increase of population, then it would have been very fair to maintain the old system of things.

5993. I understand you to say that any alteration, such as has been suggested, would rather tend, in your opinion, not only to increased rates, but also to increased rents?—If you worked it by the first method which was proposed, that is to say, by throwing half the whole of the rates at once upon the occupier, then I say, that would necessitate a certain alteration of rents; if you took the second way of dealing with it, that is, putting merely the increase upon the owner, it would not, I think, necessitate any alteration of rents; if you take the third way that has been hinted at, that of putting particular rates, the county rate, the police rate, or any other, upon the owner, it would, or would not, make a revaluation necessary according as the amount was large or small.

5994. You are decidedly of opinion that it would neither be advisable nor justifiable to make any alteration with regard to the present charges?—I see very great disadvantages and difficulties in doing it.

5995. I understand you to say that you think by disturbing existing arrangements, it would very probably tend to the disadvantage of the present tenants?—It would, instead of being a relief to them.

5996. That estates might probably be revalued, and the result of that would be, that they would not only have to pay the rates, but very probably an increased rent?—They would have to pay an increased rent, more than sufficient to counterbalance the relief in rates.

5997. Do you think that any alteration would tend to any economy of rates?—No, I do not think it would; the tendency would clearly be the other way, to less economy.

5998. You stated, did you not, that in your opinion, it would be right to let the rates fall upon the owner?—A certain part of the rates.

5999. And further, you thought that the rent depended not only upon the value of the land, but upon the capital which is applied to the land?—Yes.

6000. Is it in your opinion fair or just that the capital which is applied to the land should be rated in the same way that the rent which represents the value of that land?—No.

6001. In the case of improvements made by means of a money investment, is it fair, in your opinion, that those improvements should be rated to their full extent as they are now every three years?—I do not quite see how you can avoid it without a total remodelling of the law, and I have not considered the question of such remodelling; but it is one of the hardships, no doubt, that arise out of the present system.

6002. You are aware that, in England, the Union Assessment Committee revalue the land every three years?—Yes.

6003. Are you aware that, in Scotland, there is no arrangement of that kind at all; that when a man takes his farm, any improvements which he makes upon it are not rated at all during his tenancy?—I was not aware of that; but that is a very fair rule if it could be adopted.

6004. You think it would be very desirable that the same arrangement should take place in England?—I do not think that it would be unfair at all. I see great difficulty in carrying it out; but if it possibly could be carried out, I think it would be most fair and desirable.

6005. Is it not your opinion that the present system of rating those improvements made by the occupier is an unjust system, because it is rating his personal property; if the tenant, for instance, invests 1,000 *l.* in his holding, is it, in your opinion, fair and just that he should pay an additional 11 per cent. (which is the sum fixed) upon that outlay?—No, certainly not.

6006. So that, in your opinion, it is a heavy discouragement to the investment of capital in the improvement of land?—Yes, it is so.

6007. Therefore to that extent, it tends to the diminution of produce?—To the diminution of outlay, and consequently of produce; but then comes the difficulty, supposing that you make that exception in favour of land, what rule are you to make as regards the improvement of houses.

6008. Does not the same principle hold good, that if the rates are very high upon houses, the rents of those houses are very much decreased, and therefore the owner of such houses would get less per-centage for his investment?—Yes; as regards the poor, it is a distinct discouragement to pulling down old houses and building improved cottages for them.

6009. And therefore, to that extent, it is a discouragement to improved accommodation for the poorer classes?—Yes, it is.

6010. You mentioned the difference of valuation between two districts in London, the east and the west, and you thought it would be fair and just that the occupier should have power to deduct half those increased rates from the owner which had been recently put on by what has been called the equalisation of the poor rate in the metropolis?—Which have been put on, and the more serious ones which are in contemplation now.

6011. Do not you think that those occupiers should also have the benefit of getting some diminution from the ground rent as well?—Yes.

6012. As this is a new arrangement, do you see any reason why the owner of the ground rent should not pay something more than he did previously, on account of this new regulation with reference to the common fund?—Yes; the fair way would be to adopt the law which I believe is in force in Scotland, and I think in Ireland, namely, that you deduct the rate by a poundage from the superior landlords according to the amount of their rents.

6013. You think that all parties ought to feel the alteration in those charges?—Yes.

6014. Mr. *Hunt.*] Would you distinguish rates into two classes—namely, those which you described as involving a duty to the State, and those which may be considered as remunerative rates?—I have not classified them, and I do not know that I could now, without looking them over and considering them.

6015. But you would accept the principle that they must be divided under two heads, would you not?—Yes; no doubt there are two classes.

6016. You spoke of certain rates as involving a duty

duty to the State?—Yes, for instance, the maintenance of the poor.

6017. And there are many rates, are there not, which are simply remunerative rates, which may be considered as investments?—Yes.

6018. Do you not think that one might treat those two classes of rates differently, as regards apportionment between owner and occupier?—I should be afraid of getting into great complication in that. There is always a difficulty in practically carrying out any new regulation. Everything must be very simple, and therefore hardship is inevitable in any new arrangement on that account.

6019. With regard to throwing half the rate upon the owner, I understood you to say that you thought it would be attended with a general increase of charge?—If you throw part of the rates upon the owner, I think it would.

6020. Is that because there would be less inducement to economy on the part of those who administer the rates?—Partly that there would be less inducement to economy on their part, and partly that those who lay the taxes, whether local or imperial legislators, would consider that they had a broader basis that could bear taxation.

6021. They would have fewer individuals to reach; the class of owners is less numerous than the class of occupiers, and therefore there would be fewer persons to cry out?—Yes; no doubt those who would cry out would be very much less numerous.

6022. There would also be the consideration that you were taxing a class of people who had larger incomes out of which to bear the burthen?—Yes, there would be that feeling.

6023. With regard to the poor rates, do not you think there might be this danger, that if the owners had to pay half the rate, the occupiers might be more reckless in throwing people out of employment when prices were low?—No doubt that might be the result, and, I believe, has been the result to some extent, by the widening of the basis of taxation in unions, transferring it from the parish to the union.

6024. Therefore the inducement to keep down the rates is less than it was before the passing of the Union Chargeability Act?—Yes, it is.

6025. And that inducement might be still less if the burthen was shared between the owner and the occupier?—Yes, that would be another change in the same direction.

6026. I understood you to give it as your opinion, that if there was such a change made in the law that a very substantial portion of the charge was thrown upon the owner, it would give rise to a general readjustment of rent?—No doubt of it.

6027. And that the landlord if he was well advised, would raise his rent to a sufficient extent not only to pay for the actual rate, but to cover any increase of rates which might be anticipated?—What he would do would be this, he would go to a valuer to know whether he could recover it, whether his tenant was under-rented, and the valuer would advise him as to the fair rent that the tenant ought to bear; that is to say in other words, the valuer would advise him to bring his rent up to the market value of the land.

6028. Take the case of the education rate, there is a Bill now before Parliament which proposes to rate occupiers within certain limits for the purpose of supplying education to the poor; and supposing that concurrently with that Bill, there was one on the table for transferring part of the charge to the owner, do you not think that in the readjustment of his rent, he would take sufficient margin to cover the educational rate?—I should connect my former answer with that; I do not think that taking a margin is exactly what would be done; I would rather say, as I said just now, that if a man found it worth his while to alter his present rent, the tendency would be to bring it up to the market value for the time being of the land.

6029. But, at present, the occupier is for the most part abler to bear the fluctuating increases of rates, because, for the most part, he is not rack rented?—That is so in England.

6030. With regard to towns and to the metropolis in particular, I understand from your evidence that you wish to throw a part of the charge upon ground landlords?—I think it fair that they should bear part of the charge, which is assessed on owners in general.

6031. How do you propose to treat them; have you considered any machinery by which the ground rents could be reached without doing injustice to the ground landlords?—As regards the machinery for reaching them, the machinery I mentioned before, which is in use in Ireland and Scotland, would be effectual in this case, namely, authorising the occupier and every successive landlord to deduct from his superior landlord a poundage on account of his rent.

6032. Supposing the ground rent was very large in proportion to the rates payable now by the occupier, or divisible between the parties, might it not be very unfair to the ground landlord, supposing those rates were mostly what I call remunerative rates, rates for improvements, if he had to pay such improvement rate, before he could derive any benefit himself from the improvements which had been created?—No doubt that would be one of the hardships which would be inseparable from such a change; but still, when you make a change, you must make it affect everybody equally, although there may be hardship in particular cases.

6033. Supposing it was decided by law that the poor rates should be equalised, it would be the duty, of course, of the owner to bear his share of the burden, but putting aside the case of poor rates, and taking the case of strictly improvement rates, the ground landlord, as the ultimate owner, could derive no possible benefit till his leases fell in?—No doubt that is so.

6034. Could you reach him in any way by charging a deferred annuity upon the land and raising money upon that deferred annuity, and that deferred annuity to take effect when the leases fell in, and the ground landlord got the benefit?—I do not quite understand how that would work.

6035. What I was suggesting was this, something added to the rate, by reason of it being deferred, and that the money might be raised upon the security of an annuity charged upon the land, but not to commence until the lease fell in?—I am afraid that it would be too complicated to work out.

6036. If it could be worked out, you could avoid all injustice to the ground landlord, would you not?—Yes.

6037. You then would tax him when his benefit accrued?—Yes, that would be the effect of it. I should like to mention an historical

Mr. *R. D. Baxter.*

13 May 1870.

point which I have come across that rates when first instituted (because rates are almost coeval with history in England), used to be levied upon the occupiers, but the occupiers were at that time the owners. In the earlier stages of our history tenancy was exceedingly uncommon, and people lived, in towns or in the country, generally in their own houses.

6038. How far are you going back?—To very early times. I mean the times of the Henries and the Normans. Dating from the 15th century backwards, the old burghers, if you might call them so, were generally occupiers of their own freeholds or copyholds, because things were held then very much by copyhold tenures, or base tenures, as they were called; but still they were virtually owners, and it is only as history advanced, and as occupation became distinct from ownership that the burdens were dissociated one from the other.

6039. Mr. *St. Aubyn.*] You mean to convey that about the beginning of the 16th century tenants began to be rated?—I do not fix any particular date, but the tendency has been from the earliest periods of our history downwards, no doubt, to separate the two; in early times the two were almost identical, and the owner then was taxed as the occupier.

APPENDIX.

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Paper handed in by Mr. H. Pownall, 29 March 1870:

Statement of the County Expenditure for the Year 1868, with reference to the Printed Account of Expenditure for that Year, distinguishing the Amounts Expended under Statute, and over which the Quarter Sessions have no Control, and the Amounts Expended over which the Quarter Sessions are supposed to have Control - - 281

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Return showing the Total Amount of Local Taxation in the Metropolis for the Year ending March 1867 (including the Poor, County, and Police Rates, and the Amounts raised to meet the Precepts of the Metropolitan Board of Works); the Rateable Annual Value of Property in the Metropolis according to the County and Poor Rate Basis, with the Rate in the Pound on each of those Rentals; also the Population, the Area in Statute Acres, and the Number of Persons per Acre, according to the last Census (1861) - - - - - - - - - - - - - - - 282

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APPENDIX.

Appendix, No. 1.

PAPER handed in by Mr. *H. Pownall*, 29 March 1870.

MIDDLESEX.

STATEMENT of the County Expenditure for the Year 1868, with reference to the Printed Account of Expenditure for that Year, distinguishing the Amounts Expended under Statute, and over which the Quarter Sessions have no Control, and the Amounts Expended over which the Quarter Sessions are supposed to have Control.

		Expenditure under Statute, and over which the Quarter Sessions have no Control.			Expenditure over which the Quarter Sessions are supposed to have Control.			Total.		
		£.	s.	d.	£.	s.	d.	£.	s.	d.
1	House of Correction at Cold Bath Fields	14,569	15	10	29,839	18	6	44,409	14	4
2	House of Correction at Westminster	7,212	3	11	8,104	6	8	15,316	10	7
3	House of Detention	2,704	18	8	8,477	9	10	11,182	8	6
4	Industrial and Reformatory Schools	6,813	14	5	15,182	2	11	21,995	17	4
5	Lunatic Asylum at Hanwell	17,542	13	5	-		-	17,542	13	5
6	Lunatic Asylum at Colney Hatch	33,260	16	10	-		-	33,260	16	10
7	County Lunatics in other Asylums	1,171	11	1	-		-	1,171	11	1
8	Coroners	12,406	2	10	-		-	12,406	2	10
9	Weights and Measures	62	5	10	-		-	62	5	10
10	Registration of County Voters	1,187	2	8	-		-	1,187	2	8
11	Bridges	582	14	9	78	15	9	661	10	6
12	Clerk of the Peace	279	6	–	725	17	3	1,005	3	3
13	Sheriff of Middlesex	68	12	–	-		-	68	12	–
14	Militia	3,441	10	1	-		-	3,441	10	1
15	Law Charges	-		-	847	14	–	847	14	–
16	County Treasurer	1,000	–	–	64	7	11	1,064	7	11
17	Clerk to the Committee for Accounts, &c.	300	–	–	15	6	9	315	6	9
18	Sessions House at Clerkenwell	58	4	9	1,235	–	9	1,293	5	6
19	Sessions House at Westminster	16	12	6	206	13	3	223	5	9
20	Printing, Stationery, and Advertisements	300	–	–	475	18	11	775	18	11
21	Irish and Scotch Paupers	—			—			—		
22	The Assistant Judge	300	–	–	-		-	300	–	–
23	Petty Sessions Courts	235	–	–	-		-	235	–	–
24	Cattle Plague (Compensation, &c.)	111	10	1	-		-	111	10	1
25	Incidental Expenses	2,795	8	7	453	7	3	3,248	15	10
	£.	106,420	4	3	65,706	19	9	172,127	4	–

The above Account has been prepared in accordance with a request made by the Court on the County Day of last February Session. It will thereby be seen that over the expenditure of 106,420 *l.* 4 *s.* 3 *d.* the Quarter Sessions have no control, the same being paid under Statute; and that the amount over which the Quarter Sessions are supposed to have control is 65,706 *l.* 19 *s.* 9 *d.* only; but of this latter sum the three prisons and the Industrial and Reformatory Schools (Nos. 1, 2, 3, and 4) absorb 61,603 *l.* 17 *s.* 11 *d.*, over which the Quarter Sessions have but little control, and consequently the amount over which the Quarter Sessions have any real control is only 4,103 *l.* 1 *s.* 10 *d.*

The above amount of 65,706 *l.* 19 *s.* 9 *d.* does not include the sums received from the Lords of the Treasury and for labour of prisoners, &c.

Henry Pownall, Chairman of the Quarter Sessions.
H. M. Kemshead, Chairman of the Committee for Accounts.
Chas. P. Allen, County Treasurer.

March 1869.

Appendix, No. 2.

PAPER handed in by Sir *John Thwaites*, 3 May 1870.

METROPOLITAN BOARD OF WORKS.

RETURN showing the Total Amount of Local Taxation in the Metropolis for the Year ending March 1867 (including the Poor, County, and Police Rates, and the Amount the Pound on each of those Rentals; also the Population, the Area in Statute

Number.	Parishes, Districts, or Parts.	Population as per Census, 1861.		Rateable Annual Value. As per County Rate Basis, or like Estimate, January 1868.		Rateable Annual Value. As per Poor Rate Basis, preceding October 1867.		Total Amount of Local Taxation by the City Authorities, Vestries, District Boards, and the Metropolitan Board of Works, on Default of Vestries, &c., including Precepts from the Metropolitan Board. Receipts for the latest Period of 12 Months for which the Accounts were made up preceding June 1867.		Rate in the Pound. On County Rate Basis.		Rate in the Pound. On Poor Rate Basis.	
				£.	£.	£.	£.	£. s. d.	£. s. d.	s. d.		s. d.	
1	City of London	111,784		2,160,979		2,032,012		205,627 – 9		1 10½		2 –½	
2	St. Marylebone	161,680		1,053,748		997,581		68,128 8 1		1 3½		1 4½	
3	St. Pancras	198, 88		925,872		1,024,927		106,748 15 2		2 3½		2 –½	
4	Lambeth	162,044		770,000		698,444		85,137 1 6		2 2½		2 5½	
5	St. George, Hanover Square	87,711		1,076,272		882,724		64,828 3 1		1 2½		1 5½	
6	St. Mary, Islington	155,341		777,632		808,543		74,233 5 2		1 10½		1 10	
7	St. Leonard, Shoreditch	129,364		386,044		334,600		36,812 8 11		1 10½		2 2½	
8	Paddington	75,784		758,344		691,306		56,076 9 3		1 5½		1 7½	
9	St. Matthew, Bethnal Green	105,101		192,116		224,778		26,071 19 7		2 8½		2 3½	
10	St. Mary, Newington, Surrey	82,220		280,000		215,321		28,000 – –		2 –		2 7	
11	Camberwell	71,488		380,000		364,764		46,000 – –		2 5		2 6½	
12	St. James, Westminster	35,326		462,032		447,498		30,721 10 1		1 3½		1 4½	
13	St. James and St. John, Clerkenwell	65,681		242,524		230,231		18,168 4 –		1 5½		1 6½	
14	Chelsea	63,439		299,868		263,462		29,486 11 7		1 11½		2 2½	
15	St. Mary Abbott's, Kensington	70,108		501,132		672,088		52,882 13 10		2 1½		1 6½	
16	St. Luke, Middlesex	57,073		186,452		223,640		17,785 1 –		1 10½		1 7	
17	St. George-the-Martyr, Southwark	55,510		175,000		151,372		18,104 4 11		2 –½		2 4½	
18	Bermondsey	58,355		234,000		216,868		23,858 13 1		2 –½		2 2½	
19	St. George-in-the-East	48,891		196,745		184,799		13,631 19 9		1 4½		1 5½	
20	St. Martin-in-the-Fields	22,689		265,336		284,655		15,931 – 11		1 2½		1 1½	
21	Hamlet of Mile End Old Town	73,064		191,056		218,569		21,067 17 –		2 2½		1 11	
22	Woolwich	41,695		96,000		87,816		10,618 19 6		2 2½		2 5	
23	Rotherhithe	24,502		126,000		110,594		15,284 17 –		2 5		2 9	
24	St. John, Hampstead	19,106		147,624		194,735		23,712 5 8		3 2½		2 5	
			1,976,744		11,884,776		11,561,334		1,088,917 9 10	1 9½		1 10½	
25	Whitechapel District. — St. Mary, Whitechapel	37,454		127,426		131,378		12,940 14 8		2 –½		1 11½	
26	Christchurch, Spitalfields	20,593		47,636		55,852		4,640 – 6		1 11½		1 8	
27	St. Botolph Without, Aldgate	4,000		44,865		41,370		3,255 2 10		1 5½		1 6½	
28	Holy Trinity, Minories	420		7,839		7,839		604 – 3		1 6½		1 6½	
29	Precinct of St. Katherine	208		17,272		17,000		2,051 6 5		2 4½		2 5	
30	Hamlet of Mile End New Town	10,845		15,660		18,915		2,363 15 3		3 –		2 6	
31	Liberty of Norton Folgate	1,873		8,952		7,810		779 15 7		1 8½		2 –	
32	Old Artillery Ground	2,168		4,075		5,469		342 3 3		1 5½		1 3	
33	District of the Tower	1,409		3,423		4,055		350 – 5		2 –½		1 0½	
			78,970		277,748		280,688		27,335 19 2	1 11½		1 10½	
34	Westminster District. — St. Margaret; St. John-the-Evangelist	– –	67,890	– –	339,660	– –	461,932	– – –	24,758 10 –	1 5½		1 –	
35	Greenwich District. — St. Paul, Deptford, including Hatcham	37,834		174,600		135,423		14,874 6 8		1 8½		2 2½	
36	St. Nicholas, Deptford	8,139		18,000		13,922		1,467 5 5		1 6½		1 11½	
37	Greenwich	40,002		148,220		146,160		15,325 11 3		2 –½		2 1	
			85,975		340,820		295,505		31,667 3 4	1 10½		2 –	
38	Wandsworth District. — Clapham	20,894		135,430		125,732		17,206 4 11		2 6½		2 8½	
39	Tooting Graveney	2,055		12,000		10,565		1,025 – –		1 8½		1 11½	
40	Streatham	8,027		84,000		79,316		10,275 13 10		2 5½		2 7	
41	St. Mary, Battersea, excluding Penge	19,600		190,420		172,368		20,194 16 10		2 1½		2 4	
42	Wandsworth	13,346		97,870		96,299		10,357 12 –		2 1½		2 3½	
43	Putney, including Roehampton	6,481		64,500		55,347		6,294 6 4		1 11½		2 3½	
			70,403		584,220		539,567		65,353 13 11	2 2½		2 7	
44	Hackney District. — Hackney	76,687		323,192		440,875		51,729 16 –		3 2½		2 4	
45	St. Mary, Stoke Newington	6,608		47,424		46,236		6,995 12 –		2 11½		3 –	
			83,295		370,616		487,111		58,725 8 –	3 2		2 4	
46	St. Giles District. — St. Giles-in-the-Fields; St. George, Bloomsbury	– –	54,076	– –	277,412	– –	252,219	– – –	22,315 15 2	1 7½		1 10	

Appendix, No. 2.

PAPER handed in by Sir *John Thwaites*, 3 May 1870.

METROPOLITAN BOARD OF WORKS.

raised to meet the Precepts of the Metropolitan Board of Works): the Rateable Annual Value of Property in the Metropolis according to the County and Poor Rate Basis, with the Rate in Acres, and the Number of Persons per Acre, according to the last Census (1861).

Amount of Poor Rate Receipts for the Year ended Lady-day 1867.			Amount in Aid of Poor Rate.			Total Amount of Rates Received by the City Authorities, Vestries, District Boards, &c., in respect of Poor, County, Police, and the several Rates authorised to be Levied under the Metropolis Management and City Acts (excluding Receipts in Aid of Poor Rate), 1866–7.				Estimated Rate in the Pound on the Total Amount of Rates Received (including Receipts in Aid), showing the Amount in the Pound that would have been Required during the Year 1866–7 in the Absence of the Receipts in Aid of Poor Rate.				Area in Statute Acres.		Population per Acre (Census 1861).	Number.
Receipts.	Rate in the Pound.		Receipts.	Rate in the Pound of Poor Rate Receipts, including Receipts in Aid.		Receipts.	Rate in the Pound.		Approximate Rate in the Pound after adding 10 per Cent. for Deficiencies.		Rate in the Pound.		Approximate Rate in the Pound after adding 10 per Cent. for Deficiencies.				
	On County Rate Basis.	On Poor Rate Basis.		On County Rate Basis.	On Poor Rate Basis.		On County Rate Basis.	On Poor Rate Basis.	On County Rate Basis.	On Poor Rate Basis.	On County Rate Basis.	On Poor Rate Basis.	On County Rate Basis.	On Poor Rate Basis.			
£. s.	£. s.	s. d.	£. s.	s. d.	s. d.	£. s. d.	£. s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.			
107,258 14	- -	- 11½	1 -½	8,666 4	1 -¾	1 1½	312,885 14 9	- -	2 10½	3 -⅜	3 2	3 4½	2 11½	3 1⅜	3 3	3 5½	704	- -	126·09	1
104,414 9	- -	1 11¾	2 1	2,693 9	2 -¼	2 1⅜	172,542 17 1	- -	3 3½	3 5½	3 7½	3 9¾	3 6	3 7⅞	3 7⅞	3 10¼	1,509	- -	107·14	2
108,002 18	- -	2 4½	2 1⅛	4,508 1	2 5½	2 2⅛	215,741 18 2	- -	4 7⅜	4 2⅛	5 1⅞	4 7½	4 9	4 3½	5 2⅜	4 8⅜	2,716	- -	73·19	3
83,827 -	- -	2 2	2 4½	2,560 1	2 2⅜	2 5½	168,964 1 6	- -	4 4½	4 10	4 9⅜	5 3¾	4 5½	4 10⅜	4 10½	5 4½	4,015	- -	40·36	4
74,228 17	- -	1 4½	1 8	2,202 16	1 5	1 8⅜	139,057 - 1	- -	2 7	3 1⅜	2 10	3 5½	2 7½	3 2½	2 10⅜	3 6	1,161	- -	75·6	5
64,830 13	- -	1 8	1 7½	3,814 7	1 9	1 8½	139,072 18 2	- -	3 6⅜	3 5½	3 11	3 9½	3 8	3 6½	4 -½	3 10½	3,127	- -	49·68	6
61,002 18	- -	3 1⅜	3 7⅜	2,624 18	3 3½	3 9½	97,815 6 11	- -	5 -⅜	5 10	5 6⅜	6 5	5 2½	6 -	5 8½	6 7½	646	- -	200·25	7
48,881 1	- -	1 3½	1 4½	773 18	1 3½	1 5	104,957 10 3	- -	2 9	3 -¼	3 -¼	3 3¾	2 9½	3 -½	3 -¼	3 4½	1,245	- -	50·87	8
45,486 1	- -	4 8½	4 -½	1,065 10	4 10	4 1½	71,558 - 7	- -	7 5½	6 4½	8 2½	6 11⅝	7 6⅜	6 5½	8 3⅜	7 1½	760	- -	138·29	9
36,444 9	- -	2 7½	3 4½	2,705 4	2 9½	3 7½	64,444 9 -	- -	4 7½	5 11⅜	5 -⅜	6 7	4 9½	6 2⅜	5 3½	6 10½	624	- -	131·76	10
45,207 17	- -	2 4½	2 5⅜	1,205 15	2 5½	2 6	91,267 17 -	- -	4 9½	5 -	5 3½	5 6	4 10½	5 3¾	5 4	5 6⅜	4,342	- -	16·46	11
39,945 9	- -	1 8½	1 9½	2,720 10	1 10	1 10⅜	70,666 19 1	- -	3 -½	3 1⅜	3 4½	3 5½	3 2	3 3¾	3 5⅜	3 7½	164	- -	215·4	12
29,569 -	- -	2 5½	2 6⅜	1,268 10	2 6½	2 8	47,737 4 -	- -	3 11½	4 1⅜	4 4	4 6⅜	4 -	4 3	4 5½	4 8	380	- -	172·84	13
35,029 16	- -	2 4	2 7⅜	629 1	2 4½	2 8½	64,516 7 7	- -	4 3½	4 10⅜	4 8⅜	5 4½	4 4	4 11¼	4 9½	5 5¼	865	- -	73·34	14
39,948 18	- -	1 7	1 2¼	170 -	1 7	1 2½	92,831 11 10	- -	3 8½	2 9	4 -¾	3 -	3 8½	2 9	4 1	3 -¼	2,245	- -	36·1	15
30,206 13	- -	3 3	2 8½	649 14	3 3⅜	2 9	48,081 14 -	- -	5 1⅜	4 3½	5 7	4 8⅜	5 2⅜	4 4½	5 9	4 9½	220	- -	259·42	16
28,288 17	- -	3 2⅜	3 8½	4,184 9	3 8½	4 3½	46,393 1 11	- -	5 3½	6 1½	5 10	6 9	5 9	6 8	6 4	7 4	282	- -	196·84	17
26,191 17	- -	2 2⅜	2 5	1,334 6	2 4	2 6½	50,050 10 1	- -	4 3	4 7½	4 8	5 -⅜	4 4½	4 8⅜	4 9⅜	5 2½	626	- -	84·82	18
38,885 13	- -	3 11½	4 2½	1,021 7	4 -⅛	4 3⅜	52,517 12 9	- -	5 4	5 8½	5 10½	6 3	5 5½	5 9½	5 11⅜	6 4	243	- -	201·2	19
25,761 7	- -	1 11½	1 9½	808 -	2 -	1 10⅜	41,692 7 11	- -	3 1½	2 11	3 5¼	3 2⅞	3 2½	2 11⅜	3 6	3 3¼	305	- -	74·39	20
26,914 1	- -	2 9⅜	2 5½	2,400 18	3 -⅜	2 8	47,981 18 -	- -	5 -¼	4 4½	5 6¼	4 9⅜	5 3½	4 7⅞	5 9⅛	5 1	681	- -	107·29	21
14,399 5	- -	2 11⅛	3 3½	4,608 8	3 11⅛	4 4	25,018 4 6	- -	5 2½	5 8½	5 8⅜	6 3¼	6 2	6 9	6 9½	7 5	1,596	- -	26·12	22
15,011 11	- -	2 6½	2 10⅛	1,720 13	2 9½	3 2½	31,196 8 -	- -	4 11¼	5 7⅜	5 4½	6 2⅞	5 2⅝	5 11½	5 8⅜	6 6⅜	886	- -	27·65	23
13,651 16	- -	1 10	1 4½	236 8	1 10½	1 5	37,364 1 8	- -	5 -⅜	3 10	5 5⅜	4 2⅝	5 1	3 10¼	5 7	4 2⅜	2,252	- -	8·48	24
	1,145,438 -	1 11	1 11¾	- -	-	-	2,234,355 9 10	3 9	3 10½	4 1½	4 3⅜		-	-	-		31,594		-	
15,875 -	- -	2 5⅛	2 5	127 -	2 6	2 5	28,824 14 8	- -	4 6½	4 4½	4 11⅜	4 9⅜	4 6⅝	4 4⅜	5 -	4 10	174	- -	215·25	25
9,377 -	- -	3 11½	3 4½	21 -	3 11½	3 4½	14,017 - 6	- -	5 10⅜	5 -¼	6 5⅜	5 6⅛	5 10⅜	5 -½	6 5⅜	5 6½	74	- -	278·28	26
6,308 -	- -	2 10	3 -⅜	240 -	2 11⅛	3 2¼	9,623 2 10	- -	4 3½	4 7⅜	4 8⅛	5 1¼	4 4⅜	4 9⅜	4 10	5 3	37	- -	108·11	27
189 -	- -	- 5⅜	- 5⅜	- -	- 5⅜	- 5⅜	793 - 3	- -	2 -⅛	2 -⅛	2 3	2 3	2 -½	2 -½	2 3	2 3	5	- -	84·0	28
1,206 -	- -	1 4⅜	1 5	- -	1 4⅜	1 5	3,257 6 5	- -	3 9½	3 10¼	4 2	4 3	3 9½	3 10⅞	4 2	4 3	23	- -	9·04	29
2,800 -	- -	3 7	2 11⅜	9 -	3 7	3 -	5,163 15 3	- -	6 7	5 5⅜	7 3	6 -¼	6 7¼	5 6	7 3½	6 -½	42	- -	258·21	30
1,147 -	- -	2 6⅜	2 11¼	- -	2 6⅜	2 11¼	1,926 15 7	- -	4 3½	4 11¼	4 8⅜	5 5¼	4 3½	4 11¼	4 8⅜	5 5¼	9		208·11	31
699 -	- -	3 -	2 6¼	- -	3 -	2 6¼	1,041 3 3	- -	4 5½	3 9⅜	4 11	4 2⅞	4 5½	3 9⅜	4 11	4 2⅛	5	- -	433·6	32
436 -	- -	2 6½	2 2⅜	16 -	2 7½	2 2⅜	786 - 5	- -	4 7	4 -	5 -¼	4 5	4 8½	4 1	5 2	4 6	37	- -	16·92	33
	38,097 -	2 8⅛	2 7½	- -	-	-	65,432 19 2	4 8½	4 6	5 2¼	4 11½		-	-	-		406		-	
- -	48,190 -	2 10	2 1	1,420 -	2 11	2 1¼	- -	4 3½	3 1⅜	4 8¾	3 5½	4 4½	3 2½	4 9⅜	3 6¼	{ 657 / 260 }	917	{ 46·77 / 144·17 }	34
10,988 -	- -	2 2	2 9½	338 -	2 2½	2 10½	33,942 6 8	- -	3 10½	5 -	4 3½	5 6	3 11	5 3⅜	4 3⅜	5 6⅜	1,609	-	23·51	35
2,988 -	- -	2 11⅛	3 10¼	1,153 -	4 3¼	5 6½	4,165 5 5	- -	4 6⅜	5 10½	5 -¼	6 5½	5 10	7 6	6 5	8 3½	149	-	54·62	36
24,051 -	- -	3 3⅜	3 4¼	202 -	3 4½	3 4⅜	39,978 11 3	- -	5 4⅜	5 5½	5 11¼	6	5 5	5 5⅜	5 11⅛	6 -¼	2,013	- -	19·87	37
	46,419 -	2 8½	3 1½	- -	-	-	78,086 3 4	4 6⅜	5 3½	5 -¼	5 9½		-	-	-		3,771		-	
13,442 -	- -	1 11½	2 1½	609 -	2 -⅛	2 2⅜	30,648 4 11	- -	4 6½	4 10½	4 11⅜	5 4½	4 7½	4 11⅜	5 -⅜	5 5⅜	1,233	- -	16·95	38
1,982 -	- -	1 9½	2 -⅛	10 -	1 9⅜	2 -⅜	2,107 - -	- -	3 6	3 11⅜	3 10½	4 4⅜	3 6½	4 -	3 10½	4 4⅜	561	- -	3·66	39
7,268 -	- -	1 8⅜	1 10	7 -	1 8⅜	1 10	17,543 13 10	- -	4 2	4 5	4 7	4 10½	4 2	4 5	4 7	4 10½	2,904	- -	2·76	40
13,497 -	- -	1 4⅜	1 6½	138 -	1 5	1 6⅜	33,001 16 10	- -	3 6½	3 10⅜	3 10½	4 3½	3 6½	3 11	3 10⅜	4 3⅜	2,343	-	8·37	41
6,881 -	- -	1 4⅜	1 5	20 -	1 4⅜	1 5	17,218 12 -	- -	3 6½	3 6⅜	3 10½	3 11	3 6½	3 6⅜	3 10½	3 11	2,478		5·39	42
5,748 -	- -	1 9½	2 -⅜	- -	1 9½	2 -⅜	12,042 6 4	- -	3 8⅜	4 4½	4 1½	4 9⅜	3 8¾	4 4½	4 1½	4 9⅜	2,176	- -	2·08	43
	47,808 -	1 7½	1 9½	- -	-	-	113,161 13 11	3 10½	4 2½	4 2¾	4 7½		-	-	-		11,695		-	
35,396 -	- -	2 3⅜	1 8½	475 -	2 4	1 8½	89,265 16 -	- -	5 6½	4 -½	6 3⅜	4 5½	5 6½	4 3⅜	6 1½	4 5½	3,290	- -	23·31	44
4,996 -	- -	2 1	2 1⅜	- -	2 1	2 1⅜	11,951 12 -	- -	5 -⅛	5 2	5 6⅜	5 8⅛	5 -⅛	5 2	5 6⅛	5 8⅛	639	- -	10·34	45
	42,492 -	2 3½	1 8½	- -	-	-	101,217 8 -	5 5½	4 1⅜	6 -	4 6⅜		-	-	-		3,929		-	
- -	31,914 -	2 3½	2 6½	3,669 -	2 6½	2 9⅜	- -	54,229 15 8	3 10⅜	4 3½	4 3½	4 8⅜	4 2	4 7	4 7	5 -½	- -	245	220·72	46

RETURN showing the Total Amount of Local Taxation in the Metropolis, for the Year ending March 1867 (including the Poor, County, and

Number.	PARISHES, DISTRICTS, OR PARTS.	Population as per Census, 1861.		Rateable Annual Value. As per County Rate Basis, or like Estimate, January 1868.		Rateable Annual Value. As per Poor Rate Basis, preceding October 1867.		Total Amount of Local Taxation by the City Authorities, Vestries, District Boards, and the Metropolitan Board of Works, on Default of Vestries, &c., including Precepts from the Metropolitan Board. Receipts for the Latest Period of 12 Months for which the Accounts were made up preceding June 1867.		Rate in the Pound. On County Rate Basis.	Rate in the Pound. On Poor Rate Basis.
				£.	£.	£.	£.	£. s. d.	£. s. d.	s. d.	s. d.
47	Holborn District — St. Andrew, Holborn above Bars	32,251	- -	141,280	- -	132,460	- -	12,287 12 7	- - -	1 8¼	1 10¼
	St. George the Martyr										
48	St. Sepulchre, Middlesex	4,609	- -	17,488	- -	19,716	- -	1,224 18 8	- - -	1 4¼	1 2¾
49	Liberty of Saffron Hill, &c.	7,148	- -	31,697	- -	27,072	- -	1,680 4 7	- - -	1 -¾	1 3
50	Liberty of Glasshouse Yard	1,455	- -	4,154	- -	4,235	- -	231 12 -	- - -	1 1¼	1 1
			45,463		194,619		183,483		15,433 7 10	1 7	1 5¾
51	Strand District — St. Anne, Soho	17,426	- -	96,236	- -	83,357	- -	6,961 1 10	- - -	1 5¼	1 8
52	St. Paul, Covent Garden	5,154	- -	49,020	- -	46,530	- -	3,903 9 2	- - -	1 7	1 8
53	Precinct of The Savoy	380	- -	9,112	- -	8,142	- -	970 10 -	- - -	1 7	1 8
54	St. Mary-le-Strand	2,072	- -	17,956	- -	16,801	- -	1,403 1 -	- - -	2 1¼	2 4½
55	St. Clement Danes	15,592	- -	95,676	- -	85,078	- -	7,490 16 3	- - -	1 6¾	1 8
56	Liberty of The Rolls	2,274	- -	18,808	- -	19,107	- -	1,582 17 6	- - -	1 6¾	1 9
			42,898		286,808		259,015		22,311 15 9	1 6¾	1 8½
57	Fulham District — St. Peter and St. Paul, Hammersmith	24,519	- -	104,928	- -	138,750	- -	17,982 17 10	- - -	3 5	2 7
58	Fulham	15,539	- -	66,948	- -	87,189	- -	11,437 - 3	- - -	3 5	2 7¼
			40,058		171,876		225,939		29,419 18 1	3 5	2 7¼
59	Limehouse District — St. Anne, Limehouse	27,161	- -	87,844	- -	88,294	- -	8,525 13 6	- - -	1 11¼	1 11
60	St. John, Wapping	4,038	- -	42,752	- -	49,206	- -	4,527 14 11	- - -	2 1½	1 10
61	St. Paul, Shadwell	8,499	- -	42,648	- -	41,095	- -	4,716 3 5	- - -	2 2¼	2 3½
62	Hamlet of Ratcliff	16,874	- -	61,560	- -	51,024	- -	6,077 10 -	- - -	1 11¼	2 4½
			56,572		234,804		229,619		23,847 1 10	2 -¼	2 -¼
63	Poplar District — All Saints, Poplar	43,529	- -	212,112	- -	218,252	- -	21,270 - 7	- - -	2 -	1 11½
64	St. Mary, Stratford-le-Bow	11,586	- -	48,796	- -	73,879	- -	8,541 9 8	- - -	3 6	2 3¾
65	St. Leonard, Bromley	24,081	- -	83,412	- -	97,828	- -	11,148 8 1	- - -	2 8	2 3½
			79,196		344,320		380,959		40,959 18 4	2 4¼	2 1
66	St. Saviour's District — Christchurch	17,069	- -	67,000	- -	61,388	- -	5,184 14 -	- - -	1 6¼	1 8½
67	St. Saviour, including Liberty of The Clink	19,101	- -	127,000	- -	154,071	- -	9,436 14 -	- - -	1 5¾	1 2½
			36,170		194,000		215,459		14,621 8 -	1 6	1 4½
68	Plumstead District — Charlton next Woolwich	8,472	- -	45,150	- -	45,063	- -	5,359 11 10	- - -	2 4¼	2 4¼
69	Plumstead	24,502	- -	57,350	- -	57,346	- -	6,617 2 3	- - -	2 3¾	2 3¾
70	Eltham	3,009	- -	20,600	- -	22,457	- -	3,481 9 10	- - -	3 4¾	3 1¾
71	Lee	6,162	- -	55,080	- -	57,108	- -	7,332 8 1	- - -	2 8	2 6¾
72	Kidbrooke	804	- -	12,990	- -	13,604	- -	691 1 2	- - -	1 -¾	1 -¾
			42,949		191,120		195,598		23,481 13 2	2 5¼	2 4¾
73	Lewisham District — Lewisham, including Sydenham Chapelry	22,808	- -	196,170	- -	200,595	- -	20,302 18 2	- - -	2 -¾	2 -
74	Hamlet of Penge	5,015	- -	95,000	- -	98,665	- -	5,956 8 -	- - -	1 3	1 2¼
			27,823		291,170		299,260		26,259 6 2	1 9¼	1 9
75	St. Olave's District — St. Olave	6,197	- -	71,000	- -	76,874	- -	4,947 6 -	- - -	1 4¾	1 5¼
76	St. Thomas, Southwark	1,466	- -	10,500	- -	7,007	- -	504 5 4	- - -	1 1¾	1 8
77	St. John, Horselydown	11,393	- -	50,500	- -	50,326	- -	4,447 - 11	- - -	1 6	1 9
			19,056		141,000		134,207		9,088 12 3	1 5	1 5¾
			2,807,538	- -	16,124,969	- -	16,019,895	- - -	1,525,397 1 4	1 10¼	1 10¼
	EXTRA PAROCHIAL PLACES.										
78	The Charterhouse	255	- -	1,948	- -	- -	- -	55 6 9	- - -	- 6¾	- -
79	Gray's Inn	308	- -	12,652	- -	- -	- -	364 19 7	- - -	- 6¾	- -
			563		14,600				420 6 4	- 6¾	- -
			2,808,101	- -	16,139,569	- -	- -	- - -	1,525,817 7 8	1 10¼	- -
80	The Close of the Collegiate Church of St. Peter	323	- -	1,456	- -	- -	- -	21 14 2	- - -	- 3¾	- -
81	Inner Temple	148	- -	19,866	- -	- -	- -	296 4 5	- - -	- 3¾	- -
82	Middle Temple	81	- -	13,000	- -	- -	- -	193 17 6	- - -	- 3¾	- -
83	Lincoln's Inn	47	- -	17,244	- -	- -	- -	257 2 6	- - -	- 3¾	- -
84	Staple Inn	42	- -	2,248	- -	- -	- -	63 10 5	- - -	- 6¾	- -
85	Furnival's Inn	202	- -	3,164	- -	- -	- -	193 19 7	- - -	1 2¾	- -
			843		56,978		- -		1,026 8 7	- -	- -
			2,808,944	- -	16,196,547	- -	16,019,895	- - -	£1,526,843 16 3	1 10¼	1 10¼

Note.—The above Return has been prepared with considerable care from Reports made to Government and other official sources of information, and has been verified by conference with the clerks of the [illegible] parishes, &c. It is believed to be a fair approximation to a correct statement.

Spring Gardens, November 1869.

Police Rates, and the Amounts raised to meet the Precepts of the Metropolitan Board of Works); &c.—*continued.*

Amount of Poor Rate Receipts for the Year ended Lady-day 1867.				Amount in Aid of Poor Rate.				Total Amount of Rates Received by the City Authorities, Vestries, District Boards, &c., in respect of Poor, County, Police, and the several Rates authorised to be Levied under the Metropolis Management and City Acts (excluding Receipts in Aid of Poor Rate), 1866-7.					Estimated Rate in the Pound on the Total Amount of Rates Received (including Receipts in Aid), showing the Amount in the Pound that would have been Required during the Year 1866-7 in the Absence of the Receipts in Aid of Poor Rate.				Area in Statute Acres.		Population per Acre (Census 1861).	Number.
Receipts.		Rate in the Pound.		Receipts.	Rate in the Pound of Poor Rate Receipts, including Receipts in Aid.			Receipts.		Rate in the Pound.		Approximate Rate in the Pound after adding 10 per Cent. for Deficiencies.		Rate in the Pound.		Approximate Rate in the Pound after adding 10 per Cent. for Deficiencies.					
		On County Rate Basis.	On Poor Rate Basis.		On County Rate Basis.	On Poor Rate Basis.				On County Rate Basis.	On Poor Rate Basis.	On County Rate Basis.	On Poor Rate Basis.	On County Rate Basis.	On Poor Rate Basis.	On County Rate Basis.	On Poor Rate Basis.				
£. s.	£. s.	s. d.	s. d.	£. s.	s. d.	s. d.		£. s. d.	£. s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.				
16,513 –	- -	2 4	2 5½	1,375 –	2 6½	2 8½		28,800 12 7	- -	4 –½	4 4½	4 5½	4 9½	4 3½	4 6¾	4 8½	5 –½	111	- -	290·55	47
1,956 –	- -	2 2¾	1 11½	2 –	2 2¾	1 11½		3,180 18 8	- -	3 7½	3 2¾	4 –	3 6½	3 7½	3 2¾	4 –	3 6½	20	- -	230·45	48
4,490 –	- -	2 10	3 4	87 –	2 10½	3 4½		6,179 4 7	- -	3 10½	4 7	4 3½	4 11½	3 11½	4 7½	4 4	5 1½	30	- -	238·27	49
- * -	- -	–	–	- -	–	–		231 12 –	- -	1 1½	1 1	1 2½	1 2½	1 1	1 2½	1 2½	1 2½	5	- -	- * -	50
	22,959 –	2 4½	2 2½	- -	–	–		38,392 7 10		3 11¼	3 8¼	4 4	4 –⅝	- -	- -	- -	- -		166		
14,873 –	- -	3 1	3 6½	22 –	3 1	3 6½		21,834 1 10	- -	4 6½	5 2⅝	5 –	5 9	4 6½	5 2⅝	5 –	5 9	53	- -	328·79	51
7,364 –	- -	3 –	3 2	405 –	3 2	3 4½		11,267 9 2	- -	4 7	4 10½	5 –½	5 4	4 9	5 –½	5 2⅝	5 6½	26	- -	198·23	52
1,179 –	- -	2 7	2 10⅝	1 –	2 7	2 11		2,149 10 –	- -	4 8⅝	5 3½	5 2½	5 10	4 8¾	5 3½	5 2½	5 10	11	- -	34·55	53
2,441 –	- -	2 8¼	2 10⅝	187 –	2 11½	3 1½		3,844 1 –	- -	4 3½	4 6¾	4 8¼	5 –½	4 6	4 9½	4 11½	5 3½	22	- -	94·18	54
15,713 –	- -	3 3½	3 8½	383 –	3 4½	3 9½		23,203 16 3	- -	4 10½	5 5½	5 4	6 –	4 11½	5 6½	5 5½	6 1½	44	- -	354·36	55
3,300 –	- -	3 6½	3 5¾	1 –	3 6½	3 5¾		4,882 17 6	- -	5 2½	5 1⅝	5 8¼	5 8	5 2½	5 1⅝	5 8¼	5 8	11	- -	206·73	56
	44,870 –	3 1½	3 5½	- -	–	–		67,181 15 9		4 8	5 2¼	5 1½	5 8½	- -	- -	- -	- -		167		
12,081 –	- -	2 5⅝	1 10½	4 –	2 5⅝	1 10½		31,063 17 10	- -	5 11	4 5½	6 6	4 10⅝	5 11	4 5½	6 6	4 10⅝	2,321	- -	10·67	57
10,363 –	- -	3 1½	2 4½	25 –	3 1½	2 4½		21,800 – 3	- -	6 6½	5 –	7 2	5 6	6 6½	5 –	7 2½	5 6	1,834	- -	8·47	58
–	23,444 –	2 8½	2 –⅝	- -	–	–		52,863 18 1		6 1¾	4 8	6 9	5 1½	- -	- -	- -	- -		4,155		
18,940 –	- -	4 3½	4 3½	462 –	4 5	4 4⅝		27,465 13 6	- -	6 3	6 2⅝	6 10½	6 10½	6 4½	6 4	6 11⅝	6 11⅛	265	- -	102·49	59
9,702 –	- -	4 6½	3 11½	340 –	4 8½	4 –⅝		14,229 14 11	- -	6 7⅝	5 9½	7 3⅝	6 4½	6 9⅝	5 11	7 6	6 6	80	- -	50·47	60
9,669 –	- -	4 6½	4 8	398 –	4 8½	4 10½		14,325 3 5	- -	6 8⅝	6 11⅝	7 4⅝	7 8	6 11	7 2	7 7½	7 10½	99	- -	85·85	61
11,677 –	- -	3 9½	4 7	315 –	3 10⅝	4 8¼		17,754 10 –	- -	5 9½	6 11½	6 4½	7 7⅝	5 10½	7 1	6 5½	7 10	132	- -	127·83	62
	49,928 –	4 3	4 4	- -	–	–		73,775 1 10		6 3½	6 5	6 10⅝	7 –¾	- -	- -	- -	- -		576		
36,083 –	- -	3 4⅛	3 3½	426 –	3 5½	3 4		57,353 – 7	- -	5 4⅝	5 3	5 11½	5 9½	5 5¼	5 3½	5 11⅝	5 9⅝	1,490	- -	29·21	63
9,529 –	- -	3 10⅝	2 7	5 –	3 10⅝	2 7		18,061 9 8	- -	7 4⅝	4 10⅝	8 1½	5 4½	7 4⅝	4 10⅝	8 1⅝	5 4½	809	- -	14·33	64
14,049 –	- -	3 4½	2 10½	12 –	3 4½	2 10½		25,197 8 1	- -	6 –½	5 1⅝	6 7⅝	5 8	6 –½	5 1⅝	6 7⅝	5 8	619	- -	38·9	65
	59,652 –	3 5½	3 –½	- -	–	–		100,611 18 4		5 10	5 1⅝	6 5	5 8	- -	- -	- -	- -		2,918		
11,513 –	- -	3 5½	3 9	37 –	3 5½	3 9		16,697 14 –	- -	5 –	5 5½	5 6	5 11⅝	5 –	5 5½	5 6	5 11⅝	95	- -	176·52	66
13,640 –	- -	2 1⅝	1 9½	1,293 –	2 4	1 11½		23,076 14 –	- -	3 7½	3 –	3 11⅝	3 3½	3 10	3 2	4 2½	3 5⅝	155	- -	123·23	67
	25,153 –	2 7	2 4	- -	–	–		39,774 8 –		4 1	3 8½	4 6	4 1	- -	- -	- -	- -		250		
4,191 –	- -	1 10½	1 10½	33 –	1 10½	1 10½		9,550 11 10	- -	4 2⅝	4 3	4 7⅝	4 8	4 2⅝	4 3	4 7⅝	4 8	1,342	- -	6·31	68
1,782 –	- -	1 8	1 8	332 –	1 9½	1 9½		11,399 2 3	- -	3 11⅛	3 11⅝	4 4⅛	4 4½	4 1½	4 1½	4 6½	4 6½	3,715	- -	6·6	69
1,570 –	- -	1 6½	1 4⅝	15 –	1 6½	1 5		5,051 9 10	- -	4 11½	4 6½	5 5½	4 11⅝	4 11½	4 6½	5 5½	4 11⅝	3,712	- -	7·7	70
4,302 –	- -	1 7	1 6½	- -	1 7	1 6½		11,724 8 1	- -	4 3	4 1½	4 8	4 6½	4 3	4 1½	4 8	4 6½	1,273	- -	4·84	71
1,262 –	- -	1 11½	1 10½	- -	1 11½	1 10½		1,953 1 2	- -	3 –	2 10⅝	3 3½	3 2½	3 –	2 10⅝	3 3½	3 2½	755	- -	1·06	72
	16,197 –	1 8½	1 7¾	- -	–	–		30,678 13 2		4 1⅜	4 –½	4 6⅜	4 5½	- -	- -	- -	- -		10,797		
12,875 –	- -	1 3½	1 3½	356 –	1 4	1 3⅜		33,177 18 2	- -	3 4½	3 3½	3 8½	3 7½	3 5	3 4	3 9	3 8	5,789	- -	3·94	73
7,960 –	- -	1 8	1 7½	1 –	1 8	1 7½		13,916 8 –	- -	2 11	2 9⅜	3 2½	3 1	2 11	2 9⅜	3 2½	3 1	840	- -	5·97	74
	20,835 –	1 5	1 4½	- -	–	–		47,094 6 2		3 2¾	3 1⅜	3 6½	3 5½	- -	- -	- -	- -		6,629		
8,231 –	- -	2 3⅜	2 1½	318 –	2 4⅜	2 2½		13,178 6 –	- -	3 8½	3 5	4 1	3 9	3 9½	3 6	4 2	3 10½	66	- -	93·9	75
869 –	- -	1 8	2 5⅜	- -	1 8	2 5⅜		1,463 5 4	- -	2 9¾	4 2	3 1⅛	4 7	2 9¾	4 2	3 1⅛	4 7	9	- -	162·89	76
7,180 –	- -	2 5	2 10½	208 –	2 5⅜	2 11½		11,627 – 11	- -	3 11½	4 7½	4 4	5 1	4 –½	4 8½	4 5	5 2½	94	- -	121·2	77
	16,280 –	2 3½	2 5	- -	–	–		26,268 12 3		3 8⅜	3 10⅜	4 1⅛	4 3½	- -	- -	- -	- -		169		
- -	1,679,076 –	2 –⅜	2 1	- -	–	–		3,205,073 1 4		3 11¼	3 11⅜	4 4	4 4½	- -	- -	- -	- -	- -	78,384		
75 1	- -	– 9½	–	- -	–	–		130 7 9	- -	1 4	- -	- -	- -	- -	- -	- -	- -	10	- -	- -	78
511 8	- -	– 9⅜	–	- -	–	–		876 7 7	- -	1 4½	- -	- -	- -	- -	- -	- -	- -	13	- -	- -	79
	586 9	– 9½	–	- -	–	–		1,006 15 4		1 4⅜	- -	- -	- -	- -	- -	- -	- -		23		
- -	1,680,262 9	2 1	–	- -	–	–		3,206,079 16 8		3 11¼	- -	- -	- -	- -	- -	- -	- -	- -	78,407		
36 9	- -	– 6	–	- -	–	–		58 3 2	- -	– 9¾	- -	- -	- -	- -	- -	- -	- -	- † -	- -	- † -	80
662 4	- -	– 8	–	- -	–	–		958 8 5	- -	– 11½	- -	- -	- -	- -	- -	- -	- -	16	- -	- -	81
433 6	- -	– 8	–	- -	–	–		627 3 6	- -	– 11½	- -	- -	- -	- -	- -	- -	- -	5	- -	- -	82
1,581 2	- -	1 10	–	- -	–	–		1,838 4 6	- -	2 1½	- -	- -	- -	- -	- -	- -	- -	9	- -	- -	83
259 5	- -	2 3½	–	- -	–	–		322 15 5	- -	2 10½	- -	- -	- -	- -	- -	- -	- -	1	- -	42·0	84
516 2	- -	3 3	–	- -	–	–		710 1 7	- -	4 5⅜	- -	- -	- -	- -	- -	- -	- -	2	- -	101·0	85
- -	3,488 8			- -				4,514 16 7		- -	- -	- -	- -	- -	- -	- -	- -	- -	33		
- -	1,683,750 17	2 †	2 :	70,084 15	2 1½	2 2½		- -	3,210,594 13 3	3 11½	4	4 4	4 4½	4 ½	4 1½	4 5½	4 6½	- -	78,440‡		

* Poor Rate receipt and population included in City of London.

† Acreage and population included in St. Margaret, Westminster.

‡ Area of Metropolis = 122 square miles and 360 acres.

§ The annual returns from which the sums in the columns of "Receipts from Local Taxation" are taken, do not in every case include the costs of collection and other incidental expenses of Vestries, &c.

‖ The amount here inserted as poor rate is said to be in error, as, on the part of the Hon. Society of Gray's Inn, it is stated they have never paid a poor rate, or any consideration in lieu thereof. A sum (not included in this Table) has been annually paid by the Society to the Holborn District Board of Works, as a donation towards paving, &c.

John Pollard, Clerk of the Board.

Appendix, No. 3.

Appendix, No. 3. PAPER handed in by Mr. *John Hayward*, 6 May 1870.

SEWERS COMMISSION.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to Our most dear Cousins, Francis Thomas De Grey, Earl Cowper, Charles, Earl of Romney; John Stuart, Earl of Darnley; Our most beloved Cousin and Councillor, John Robert, Viscount Sydney; the Right Reverend Father in God, Joseph Cotton, Lord Bishop of Rochester; Our well-beloved and faithful William Samuel, Lord Wynford, Charles Morgan, Lord Tredegar, Our beloved and faithful Sir Thomas Marvon Wilson, Sir Percyvall Hart Dyke, Sir Joseph Henry Hawley, Sir Isaac Lyon Goldsmid, Sir Frederick Currie, Baronets; the Bailiff of Romney Marsh, the Expenditors of Five Waterings, William Urquhart Arbuthnot, Henry Hulse Berens, Sidcup Richard Benyon Berens, Frederick Barne, Robert Bradford, James Chapman, William Greenwood Chapman, Henry Chapman, John Hales Calcroft, Frederick Pearce Campbell, Charles Colyer, Thomas Colyer, Edward Colyer, Southfleet Maitland Dashwood, Francis Hart Dyke, William Hart Dyke, John Alfred Edmeads, William Fleet, William Hussey Fleet, Thomas Horn Fleet, John Huggins, Edward Hall, Richard Jones, John Malcolm, John Wingfield Malcolm, Charles Wickham Martin, Charles William Minett, James Minett, Frederick William Pigou, John Stuart Roupell, James Stuart Roupell, Oswald Smith, junior, John Shaw, John Tasker, William Tasker, William Tasker, junior, William Waring, Colerain Vansittart, Robert Wilks, William Wheatley, William Cracroft Fookes, Frederick Mortimer, Lewin Richard Saunders, Frederick Stoneham, Charles Samuel Umfreville, Esquires; William Whitton, Allen, Edward Allen, Henry Morland, Austen Henry Brown, Woolwich; Andrew William Burnside, George John Blomfield, Richard Neville Cornwall, William Henry Edmeads, John Egerton, Thomas Hart Dyke, William Gardner, John Hallett Hotham, Frederick Heberden, James King, Charles Augustus Samuel Morgan, Francis Murray, Frederick William Murray, George Rashleigh, Henry Rashleigh, George Cecil Renouard, Richard Salwey, George Frederick Goddard, and George Leopold Langdon, Clerks: Greeting. Know ye, That forasmuch as the walls, ditches, banks, gutters, sewers, gates, calcies, bridges, streams, and other defences by the coasts of the sea, and marsh grounds lying and being within the limits extending from Lombard's Wall to Gravesend Bridge in Our county of Kent, or in the borders or confines of the same, by rage of the sea flowing and reflowing, and by means of the trenches of fresh waters descending and having course by divers ways to the sea, be so dirupt, lacerate, and broken, and also the common passages for ships, ballangers, and boats, in the rivers, streams, and other floods within the said limits, or in the borders or confines of the same, by means of setting up, erecting, and making of streams, mills, bridges, ponds, fish-garths, mill-dams, locks, hobbing wears, locks, and floodgates, or other like letts, impediments, or annoyances, be letted and interrupted, so that great inestimable damage for default of reparation of the said walls, ditches, banks, fences, sewers, gates, gutters, calcies, bridges, and streams: And also by means of setting up, erecting, making, and enlarging of the said fish-garths, mill-dams, locks, hebbing-wears, locks, floodgates, and other like annoyances, in times past hath happened, and yet is to be feared that far greater hurt, loss, and damage is likely to ensue unless that speedy remedy be provided in that behalf. We therefore, for that by reason of our dignity and prerogative Royal, We be bound to provide for the safety and preservation of Our realm of England, willing that speedy remedy be had in the premises, have assigned you Our Justices to carry into execution within the said limits the powers and provisions of "The Land Drainage Act, 1861," and of other Acts of Parliament in that behalf, and save and except as in the said Acts are excepted, the following powers, provisions, and purposes, so far as the same are consistent with the provisions of the said Act (that is to say): To survey the said walls, streams, ditches, banks, gutters, gates, calcies, bridges, trenches, mills, mill-dams, floodgates, ponds, locks, hebbing wears, and other impediments, letts, and annoyances aforesaid, and the same cause to be made, corrected, repaired, amended, put down, or reformed, as the case shall require, after your wisdoms and discretions. And therein as well to ordain and do, after the form, tenor, and effect of all and singular the statutes and ordinances made before the first day of March in the three-and-twentieth year of the late King Henry the Eighth touching the premises or any of them, as also to inquire by the oaths of the honest and lawful men of Our said county, place, or places where such defaults or annoyances be (as well within liberties as without) by whom the truth may the rather be

be known through whose default the said hurts and damages have happened, and who hath or holdeth any lands or tenements, or common, of pasture, or profit of fishing, or hath, or may have any hurt, loss, or disadvantage, by any manner of means in the said places, as well near to the said dangers, letts, and impediments, as inhabiting or dwelling thereabouts by the said walls, ditches, banks, gutters, gates, sewers, trenches, and other the said impediments and annoyances: And all those persons, and every of them to tax, assess, charge, distrain, and punish, as well within the metes, limits, and bounds of old time, accustomed or otherwise, or elsewhere, within Our Realm of England, after the quantity of their lands, tenements, and rents, by the number of acres and perches, after the rate of every person's portion, tenure, or profit, or after the quantity of their common of pasture or profit of fishing or other commodities there, by such ways and means, and in such manner and form as you shall seem most convenient to be ordained and done for redress and reformation to be had in the premises: And also to reform, repair, and amend the said walls, ditches, banks, gutters, sewers, gates, calcies, bridges, streams, and other the premises in all places needful, and the same as often and where need shall be, to make new, and to cleanse and purge the trenches, sewers, and ditches, in all places necessary: And further to reform, amend, prostrate, and overthrow all such mills, streams, ponds, locks, fishgarths, hebbing wears, and other impediments and annoyances as aforesaid, as shall be found by inquisition, or by your surveying and discretions, to be excessive or hurtful: And also to depute and assign diligent, faithful, and true keepers, bailiffs, surveyors, collectors, expenditors, and other ministers and officers, for the safety, conservation, reparation, reformation, and making of the premises, and every of them, and to bear the account of the collectors and other ministers of, and for the receipt and laying out of the money that shall be levied and paid, in and about the making, reforming, repairing, and amending of the said walls, ditches, banks, gutters, gates, sewers, calcies, bridges, streams, trenches, mills, ponds, locks, fishgates, floodgates, and other impediments and annoyances aforesaid: And to distrain for the arrearages of every such collection, tax, and assess, as often as shall be expedient, or otherwise to furnish the debtors and detainers of the same by fines and amerciaments, pains, or other like means after your good discretions: And also to arrest and take as many, carts, horses, oxen, beasts, and other instruments necessary, and as many workmen and labourers as for the said works and reparations shall suffice paying for the same competent wages, salary, and stipends in that behalf; And also to take such and as many trees, woods, underwoods, and timber and other necessaries, as for the same works and reparations shall be sufficient at a reasonable price by you to be assessed or limited as well within the limits and bounds aforesaid as in any other place within the said county near unto the said places: And to make and ordain statutes, ordinances, laws, and customs of Romney Marsh, in Our County of Kent, or otherwise by any ways or means after your own wisdoms and discretions: And to hear and determine all and singular the premises as well at Our suit as at the suit of any other whatsoever complaining before you after the laws and customs aforesaid, or otherwise by any other ways or means after your discretions: And also to make and direct all writs, precepts, warrants, or other commandments by virtue of these presents, to all sheriffs, bailiffs, and all other ministers, officers, and other persons (as well within liberties as without) before you at certain days, terms, and places to be prefixed, to be returned and received, and further to continue the process of the same, and finally to do all and everything and things as shall be requisite for the due execution of the premises by all ways and means after your discretions: And, therefore, We command you that at certain days and places when and where you shall think expedient, ye do survey the said walls, fences, ditches, banks, gutters, gates, sewers, calcies, ponds, bridges, rivers, streams, watercourses, mills, locks, trenches, fishgarths, floodgates, and other the letts, impediments, and annoyances aforesaid: And accomplish, fulfil, hear, and determine all and singular the premises in due form and to the effect aforesaid after your good discretions: And all such as ye shall find negligent, gainsaying, or rebelling in the said works, reparations or reformations of the premises, or negligent in the due execution of this Our Commission: That ye do compel them by distress, fines, and amerciaments, or by other punishments, ways, or means, which to you shall seem most expedient for the speedy remedy, redress, and reformation of the premises, and due execution of the same: And all such things as by you shall be made and ordained in this behalf (as well within liberties as without) ye do cause the same firmly to be observed doing therein as to Our justice appertaineth. After the laws and statutes of this Our Realm, and according to your wisdoms and discretions, saved always to Us such fines and amerciaments as to Us thereof shall belong: And We also command Our sheriff of Our said county of Kent, that he shall cause to come before you at such days and places as ye shall appoint to him such and as many honest men of his bailwick (as well within liberties as without) by whom the truth may best be known to inquire of the premises: Commanding also all other ministers and officers (as well within liberties as without) that they and every of them shall be attendant to you in and about the due execution of this Our Commission. In witness whereof we have caused these Our letters to be made patent.

Witness Ourself at Westminster, the 24th day of July, in the 27th year of Our reign.

C. Romilly.

Appendix, No. 4.

Appendix, No. 4.

PAPER handed in by Mr. *James Grant*, 6 May 1870.

LANCASTER UNION.

NUMBER OF PERSONS RECEIVING RELIEF.

	In-door.	Out-door.	TOTAL.		In-door.	Out-door.	TOTAL.
On 1 January 1843	189	2,083	2,272	On 1 January 1858	123	1,157	1,280
„ 1844	173	2,006	2,179	„ 1859	104	1,012	1,116
„ 1845	127	1,820	1,947	„ 1860	93	946	1,039
„ 1846	104	1,522	1,626	„ 1861	79	927	1,006
„ 1847	114	1,544	1,658	„ 1862	83	956	1,039
„ 1848	181	1,832	2,013	„ 1863	125	1,152	1,277
„ 1849	182	1,946	2,128	„ 1864	116	950	1,066
„ 1850	155	1,866	2,021	„ 1865	123	955	1,078
„ 1851	155	1,564	1,719	„ 1866	105	848	953
„ 1852	144	1,529	1,673	„ 1867	100	751	851
„ 1853	116	1,174	1,290	„ 1868	111	773	884
„ 1854	140	1,118	1,258	„ 1869	124	846	970*
„ 1855	153	1,090	1,243	„ 1870	129	881	1,010
„ 1856	166	1,126	1,292	26 March „	114	794	908
„ 1857	137	1,100	1,237	30 April „	105	754	859

* Poulton Barc and Torrisholme, Bolton-le-Sands, Slyne-with-Hest, and Heysham, were added to the Union in March 1869.

30 April 1870. *J. Grant*, Clerk.

Appendix, No. 5.

PAPERS handed in by Mr. *Middleton*, 13 May 1870.

(Form of Demand Note.)

Poor Rate Office, South Parade, Leeds,

Open from 9 to 6 o'clock daily, except on Saturdays, when the Office will be closed at 2.

Poor Rate. Due 11th December 1869. District 2.

No._____ Mr._____ West Ward, No. 2.

£. s. d.

The Overseers of the Poor *demand payment* of the Poor Rate made and due from you on the 11th December 1869, at 1 *s.* 8 *d.* in the pound, based upon the following estimate, viz.:—for the

	s.	d.	
Relief of the Poor - - -	1	2	in the £.
Borough Rate - - - -	0	5	in the £.
Gaol Rate - - - -	0	1	in the £.

The Poor Rate is payable on demand, and to enable the Overseers to close the Rate at the ordinary period of the year, prompt payment is required.

Demand made, 1870.

(Form of Demand Note.)

Main Sewer, Lamp, Improvement, and Highway Rates.

Laid 4 June 1869.

1869.—Rate No. Ward, Township of Leeds.

M_____

You are hereby required to take Notice, that the undermentioned Rates are now due from you, that the 359th Section of the Leeds Improvement Act empowers the Council to summon any person who shall refuse or neglect to pay such Rates within Fourteen Days after the same shall have been demanded.

Rateable Value, 41 *l.* 10 *s.*	s.	d.	Amount Levied. £.	s.	d.
Main Sewer Rate - -	–	7	1	4	2½
Lamp Rate - - -	–	4	–	13	10
Improvement Rate -	1	–	2	1	6
Highway Rate - -	1	2	2	8	5
Total - - -	3	1	6	7	11½

A separate form of Receipt for these Rates is specially provided, and no other will be recognised.

Rate Office—Leeds Town Hall.

By Order,
Richard Wilson, Clerk.

OBSERVE.—The Rate Office is open from 9 o'clock in the morning until 6 o'clock in the Evening, except Saturdays, when it closed at 2 o'clock in the afternoon.

Demand made day of 186 .

Appendix, No. 5.

RETURN of the Rateable Value of certain Townships and Hamlets, 31 March 1870.

Townships and Hamlets.	Rateable Value, 31 March 1870. £. s. d.
Townships.	
Armley	20,393 5 –
Beeston	7,358 13 1
Bramley	28,733 2 2
Chapel-Allerton	15,583 – –
Farnley	12,498 17 6
Headingley-cum-Burley	51,863 10 –
Holbeck	36,638 12 –
Hunslet	66,953 18 4
Leeds	414,880 5 –
Potternewton	19,377 – –
Wortley	42,360 7 6
Hamlets.	
Coldcotes	370 – –
Osmondthorpe, Skelton, Thornes	5,067 10 –
Total £.	722,078 – 7

RETURN of the Rates levied in the Pound on Leeds Township for Twelve Years.

Year.	Watch Rate included in Poor Rate.	Borough Rate included in Poor Rate.	Gaol Rate included in Poor Rate.	Poor Rate.	Improvement Rate.	Lamp Rate.	Main Sewer Rate.	Highway Rate.		Total Rates.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.		s. d.
1858	– 5	– 7½	– 1½	3 –	– 7	– 4½	– 8	– 8	Laid by late surveyors.	5 3½
1859	After 1858 included in Borough Rate.	– 10½	– 1½	3 –	– 8	– 4	– 8	– 8		5 4
1860		1 1	– 1½	2 –	– 8	– 5	– 8	– 8		4 5
1861		1 1½	– 1½	5 4	– 9	– 4	– 8	– 8		7 9
1862		1 1½	– 1½	4 4	– 10	– 4	– 8	– 10		7 –
1863		1 1	– 1½	3 4	1 –	– 4	– 8	– 10		6 2
1864		1 2	– 1½	3 4	1 –	– 4	– 8	– 10		6 2
1865		1 –	– 1½	3 4	– 8	– 4½	– 8	– 10		5 10½
1866		1 1	– 1½	3 8	1 –	– 5	– 8	– 10		6 7
1867		1 2	– 1½	2 –	1 –	– 5	– 8	1 6	Laid by the Leeds Town Council.	5 7
1868		– 8	– 1½	4 –	1 –	– 5	– 8	1 6		7 7
1869		– 8	– 1½	3 4	1 –	– 4	– 7	1 2		6 5

Highest Rate 1861, 7 *s.* 9 *d.*; Lowest Rate 1860, 4 *s.* 5 *d.*; Total Average, 6 *s.* 2 *d.* in the £.

Appendix, No. 6.

PAPER handed in by Mr. *Danby P. Fry.* Appendix, No. 6.

LOCAL TAXES.

Local Rates now leviable in *England* and *Wales* beyond the Metropolis.

These may be divided into two classes:—

1. Rates levied in primary districts, such as a parish;
2. Rates levied in aggregate districts, such as a county.

Still in the present state of the law, even this classification must be qualified. The poor rate, for example, though still levied in each parish, is to a great extent expended in the union, where a union exists; and in like manner, the highway rate, though levied parochially, is expended in the highway district, where a district exists.

In some cases, where a new charge has been imposed upon the poor rate, to avoid the levying of a separate rate, provision is nevertheless made that in certain circumstances it may be defrayed out of a separate rate. Thus, the expenses of a burial board are generally payable out of the poor rate, but are leviable separately where the parishes and districts are not coterminous; the expenses of parish improvements (public walks and recreation grounds) are payable out of the poor rate, though it seems that a separate rate may be levied; the expenses of baths and washhouses, in a parish, are payable out of the poor rate, but if under a local board, out of the general district rate; and the expenses of public libraries and museums, in parishes, are to be levied like a poor rate, except as to the different scales of contribution from different classes of property. Generally speaking, a separate rate is authorised in two cases only: 1. Where the parish is not wholly within the district; 2. Where there are different scales of contribution.

CLASS I.—Rates of Primary Districts.

	Observations.
1. The Poor Rate 2. The Workhouse Building Rate 3. The Survey and Valuation Rate	2. 3. These two rates have never been levied in fact, the payments having always been made out of the Poor Rate.
4. The Jail Fees Rate	4. This is doubtless no longer levied.
5. The Constable's Rate	5. This is probably not now levied anywhere; or if levied at all, it is only in a very few places.
6. The Militia Rate	6. This is not now required, the ballots for the militia being suspended.
7. The Highway Rates	7. In some places, woods and mines are rateable to the highways, though not to the poor; on the other hand, there are special exemptions in certain cases, *ratione tenuræ*, or otherwise.
8. The Burial Board Rate	8. Generally paid out of the Poor Rate, and only levied as a separate rate where the Burial Board Districts are not coterminous with the parishes.
9. The Lighting and Watching Rate	9. Different scales of contribution, for "land" and for houses and other property.
10. The Public Library and Museum Rate	10. Different scales of contribution, for "lands used as arable, meadow, or pasture ground only, or as woodlands, or market gardens, or nursery grounds," and for other property.
11. The General District Rate	11. Different scales of contribution, for tithes and lands of various descriptions, on the one hand, and for all other property, on the other.
12. The Sewerage Rate	12. Different scales of contribution (the same as for No. 11). This rate is leviable in parishes or special drainage districts by the sewer authorities under the Sewage Utilisation Acts, 28 & 29 Vict. c. 75; 29 & 30 Vict. c. 90; and 30 & 31 Vict. c. 113.

CLASS I.—RATES OF PRIMARY DISTRICTS—*continued.*

	OBSERVATIONS.
13. The Town Improvement Rates - -	13. These are levied under Local Acts (which are very numerous), and also under the Towns Improvement and Police Clauses Acts (1847), where those Acts are adopted.
14. The Parish Improvement Rate - -	14. Apparently, this may be a separate rate, or it may be paid out of the Poor Rate.
15. The Animal Contagious Diseases Rate.	15. As regards compensation for slaughtered animals, and payment of loans and interest, the occupier may deduct from his rent one-half of the rate.
16. The Church Rates - - - -	16. Compulsory levy abolished, except as to rates to provide for existing charges.
17. The Sewers Rate - - - - -	17. 18. 19. The Sewers Rate is levied by Courts or Commissions of Sewers, to provide for the structural or permanent works; and the General Sewers Tax is levied under 4 & 5 Vict. c. 45 (1841), to meet current and contingent expenses. The Sewers Rate may be assessed upon owners as well as occupiers; but the General Sewers Tax is assessed upon occupiers only. The "Special Rate" (not exceeding 1,000 *l.*) under the Land Drainage Act of 1861 (24 & 25 Vict. c. 133) is to be "deemed to be a tax on the owners of property," the owner being "the person entitled to the rack rent." If not paid by the owner, it may be recovered from the occupier, who may deduct it from his rent "in the absence of any agreement to the contrary." These three rates relate to the sewering of lands; as to the sewering of houses, *see* the three rates mentioned above, Nos. 11, 12, and 13.
18. The General Sewers Tax - - -	
19. The "Special Rate" under the Land Drainage Act - - - -	
20. The Drainage, Embankment, and Inclosure Rates	20. These rates are levied under Local Acts, but there is a general statute (3 & 4 Will. 4, c. 35) which gives additional powers for their recovery. These Local Acts are very numerous; the list fills 18 folio pages in the Index to the Statutes, made in 1865. In a note to that list it is stated: "Subsequent to the passing of the Land Drainage Act of 1861, drainages, &c., are effected under the authority of 'Provisional Orders,' which have been confirmed by Acts passed for that purpose."
21. The Inclosure Rate - - - -	21. 22. These rates are leviable in certain cases, under the "General Inclosure Act, 8 & 9 Vict. c. 118 (1845)." Before the passing of that Act, inclosures were effected by Local Acts, the list of which occupies 99 pages of the Index to the Statutes (1865).
22. The Regulated Pasture Rate - -	

CLASS II.—RATES OF AGGREGATE DISTRICTS.

(*a*) 1. The County Rate - - -	1. Although the amount is paid in each parish or place out of the Poor Rate, or out of a separate rate, raised like the Poor Rate, it is assessed upon each parish or place according to the "basis" or "standard" settled by the Justices, which may differ, and very often does differ, from the Poor Rate valuation. To this extent, therefore, the County Rate is not "on the basis of the Poor Rate."
2. The County Police Rate - -	2. When separate, to be raised like the County Rate.
3. The Shire Hall Rate - - -	3. It is doubtful whether the law requires this to be levied as a separate rate, and the expense is probably always paid out of the general County Rate.
4. The County Lunatic Asylum Rate	4. If separate, to be raised like the County Rate.
5. The County Burial Rate - -	5. This is to pay for the burial of dead bodies cast on shore by the sea. It is, therefore, confined to the maritime counties. Probably the amount is never raised as a separate rate, but always paid out of the general County Rate.
(*b*) 6. The Hundred Rate - - -	6. This is still occasionally levied. The total amount raised in England and Wales in 1868 was 5,501 *l.*
(*c*) 7. The Borough Rate.	9. 10. 11. 12. 13. 14. 15. These may be separate rates, or the expenses may be paid out of the Borough Rate, or Borough Fund, according to circumstances.
8. The Borough Watch Rates.	
9. The Borough Gaol Rate - -	
10. The Borough Prisoners Rates -	
11. The Borough Lunatic Asylum Rate	
12. The Borough Library and Museum Rate.	
13. The Borough Baths and Wash-houses Rate.	
14. The Borough Improvement Rate -	
15. The Borough Burial Rate - -	

N.B.—The Museum Rate [repealed, and the Public Library and Museum Rate substituted. *See* Class I., No. 10].

The District Prison Rates [repealed by "The Prison Act, 1865," 28 & 29 Vict. c. 126].

March 1870. *Danby P. Fry.*

Appendix, No 6.

PURPOSES OF THE RATES.

I.—RATES OF PRIMARY DISTRICTS.

1.—The Poor Rate.

The primary purpose of the poor rate is to provide for the relief of the poor; but many other charges have from time to time been cast upon it. The chief of these (arranged chronologically) are the following:—

1. The costs of prosecuting persons for keeping disorderly houses (25 Geo. 2, c. 36; 58 Geo. 3, c. 70).

2. The expenses incurred by constables in doing the business of the parish or township (18 Geo. 3, c. 19, s. 4). [*See* also No 15, below.]

3. Half the expenses incurred by overseers in prosecuting masters for ill-treatment of parish apprentices (32 Geo. 3, c. 57): the other half to be paid out of the county rate. [Practically obsolete, though not repealed.]

4. The cost of prosecuting pawnbrokers in certain cases (39 & 40 Geo. 3, c. 99).

5. The fine for not providing militiamen (42 Geo. 3, c. 90). [Suspended: *see* the Militia Rate.]

6. The remuneration of examiners of measures, and the cost of procuring proper measures, in certain cases (55 Geo. 3, c. 43).

7. The compensation payable to jailers and others in certain cases (55 Geo. 3, c. 50). [Probably obsolete: *see* the Jail Fees Rate.]

8. The costs of making out, preparing, printing, and collecting the jury lists (6 Geo. 4, c. 50; 7 & 8 Vict. c. 101).

9. The cost of prosecution for felonies and misdemeanors, in places not contributing to any county rate (7 Geo. 4, c. 64). [*See* the County Rate.]

10. The compensations payable by the hundred, in places not contributing to any county rate (7 & 8 Geo. 4, c. 31). [*See* the Hundred Rate.]

11. The expenses of emigration in certain cases (4 & 5 Will. 4, c. 76, and subsequent Acts).

12. The cost of offices, books and forms, in the registration of births, deaths, and marriages; and the fees to the registrars (6 & 7 Will. 4, c. 86; 1 Vict. c. 22).

13. The maintenance of lunatics suspected of crime; of criminal lunatics; and of insane prisoners (1 & 2 Vict. c. 14; 3 & 4 Vict. c. 54; and subsequent Acts).

14. The expenses of public vaccination (30 & 31 Vict. c. 84). [First imposed by 3 & 4 Vict. c. 29, and 4 & 5 Vict. c. 32, now repealed.]

15. The fees and allowances under the Parish Constables Act, and the salaries of parish constables (5 & 6 Vict. c. 109; 13 Vict. c. 20). [*See* also No. 2, above.]

16. The expenses of town clerks and returning officers in boroughs, and of overseers of the poor, in regard to the registration of voters and the election of Members of Parliament (6 Vict. c. 18).

17. The expenses properly incurred in the perambulation of parish boundaries, and in setting up and repairing the boundary stones (7 & 8 Vict. c. 101, s. 60).

18. The expense of fencing, draining, and levelling lands allotted under the Commons Inclosure Act for the exercise and recreation of the inhabitants (8 & 9 Vict c. 118).

The foregoing payments are for the most part made directly out of the poor rate; but in other cases a different practice exists, where the overseers are called upon to pay out of the poor rate sums to be expended by some other authority. Thus, in the following cases, the contribution from the individual parishes may be paid out of the poor rate, or out of a separate rate to be levied for the purpose, according to circumstances:

19. To the various county rates (15 & 16 Vict. c. 81).

20. To the hundred rate (7 & 8 Geo. 4, c. 31).

21. To the various borough rates (7 Will. 4 & 1 Vict. c. 81).

22. To the expenditure of the Highway Boards in Highway Districts under the Acts of 1861 and 1864 (25 & 26 Vict. c. 61; 27 & 28 Vict. c. 101). [*See* the "Highway Rate."]

23. To the expenses of burial boards in parishes. [*See* the "Burial Board Rate."]

24. To the expenses of public libraries and museums in certain cases. [*See* the "Public Library and Museum Rate."]

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25. To the expenses of parish improvements. [*See* the "Parish Improvement Rate."]

26. To the expenses of baths and washhouses in parishes (9 & 10 Vict. c. 74). [*See* the "Borough Baths and Washhouses Rate."]

2.—The Workhouse Building Rate.

3.—The Survey and Valuation Rate.

These were apparently intended to be levied as separate rates; the first, for the provision of workhouses under 4 & 5 Will. 4, c. 76 (1834), and the second for the payment of the expense of a parochial survey (with or without a map or plan) and valuation under 6 & 7 Will. 4, c. 96 (1836). The enactments on this subject, however, were found to be so obscure, that these separate rates have never been raised in fact; and the expenses for which they were intended to provide have always been paid out of the poor rate. One attempt was made (in a case which came before the Court of Queen's Bench in 1847) to raise a separate rate for the expense of a survey and valuation, but it failed.

4.—The Jail Fees Rate.

This rate was authorised by an Act passed in 1815 (53 Geo. 3, c. 50), for payment of compensations to jailers and others in certain cases; it is probably not now required at all; and it was perhaps never levied as a separate rate. In the Report of the Poor Law Commissioners on Local Taxation (1843), it was stated—"The jail fees rate was, we believe, never collected separately, being, in fact, too small in amount to be capable of collection; it was therefore unlawfully, but almost necessarily, paid out of the county rate."

5.—The Constable's Rate.

In the "Local Taxes of the United Kingdom" (1846), it was stated: "This rate, in its original form as a tything or township levy, is amongst the most ancient of the local taxes, having been instituted in the period when townships or tythings (and not parishes) were the chief independent districts for taxation, and the primary constituents of the aggregate districts of the hundred and the county."

Its imposition was regulated in 1662 by the Act 13 & 14 Car. 2, c. 12, its purpose at that time being to meet the expenses incurred by constables in dealing with rogues, vagabonds, and street beggars; but in 1778 an Act was passed to reimburse constables out of the poor rate for their expenses "in doing the business of the parish, township, or place"; and it is probable that this provision superseded the constable's rate to a certain extent. [*See* the Poor Rate.]

Under the 12 Geo. 2, c. 29, and 55 Geo. 3, c. 51, it was authorised to be applied towards the payment of the county rate, in certain cases, and especially in the northern counties; but the present mode of collecting the county rate has now superseded the constable's rate as regards this purpose also; and if there be any places in which it is still levied they must be very few.

6.—The Militia Rate.

As the ballotting for the militia is at present in abeyance, this rate is not now required. It was intended to provide for the payments to volunteers or substitutes, and for the fines of 10*l.* for each man deficient.

7.—The Highway Rates.

The primary purpose of the highway rates is the repair of the highways.

The Highway Act of 1835 authorises the levy of three distinct rates: one for the general repair of the highways; one for the payment of compensation to owners of lands taken for widening highways, and making new ditches and fences; and one for the payment of the costs of defending indictments, appeals, and other legal proceedings.

In South Wales, the Highway Boards call for the money they require from the overseers of the several parishes, who levy the amount by means of a separate highway rate; but in other parts of the country, where highway districts have been formed, under the Highway Acts of 1862 and 1864, the Highway Boards call for the money either from the overseers or from the waywardens, according to circumstances. If the highway parish is not co-extensive with the poor law parish, or if the highway rate for seven years before the Act of 1862 had been assessed upon mines, woods, or other property not liable to poor rates, the precept is addressed to the waywarden, who is to levy the amount by a separate highway rate; but in other cases the precept is addressed to the overseers, who are to pay the amount out of the poor rate.

Where this system of Highway Districts and Highway Boards is not adopted, the highways beyond the metropolis are managed under the General Act of 1835, or under Local Acts, or by Local Boards.

It must be added that the 4 & 5 Vict. c. 59 (1841), provides for the application of the highway

highway rates towards the maintenance of turnpike roads which require assistance, and the 8 & 9 Vict. c. 118 (the General Inclosure Act) charges on these rates the costs of appeals against discontinuing or diverting highways in certain cases.

8.—The Burial Board Rate.

In any borough where the Town Council acts as a Burial Board, the expenses are to be paid out of the borough fund or borough rate (17 & 18 Vict. c. 87); or the Council may raise the amount "by means of a separate rate, to be called a Burial Rate" (20 & 21 Vict. c. 81). [*See* "the Borough Burial Rate."]

Where a Local Board of Health acts as a Burial Board, the amount required for the expenses may be levied "as part of the General District Rate" [*see* the General District Rate], or "by a separate rate, under the name and designation of a Burial Rate" (23 & 24 Vict. c. 64).

Where Improvement Commissioners act as a Burial Board, the amount required may be levied "as part of the Improvement Rate" [*see* the Town Improvement Rates], or "by a separate rate under the name and designation of a Burial Rate" (23 & 24 Vict. c. 64).

When Burial Boards are established elsewhere, the expenses are in general to be paid out of the poor rate [*see* the Poor Rate]; but where the district is not coterminous with a parish, a separate rate is to be levied (18 & 19 Vict. c. 128).

9.—The Lighting and Watching Rate.

The provisions of 3 & 4 Will. 4, c. 90, may be adopted in any parish, and abandoned after three years, except where the council in a borough have taken upon themselves the powers of Inspectors of Lighting, under 5 & 6 Will. 4, c. 76, s. 88. The Act may be adopted either as to lighting, or as to watching, or as to lighting and watching; and either for the whole or for any part of the parish. But it ceases as to watching, though not as to lighting, on the appointment of a watch committee in a borough, and on the establishment of a police force in a county. The purpose of the rate is to carry the Act into effect as to lighting or watching, or both, by laying down gas-pipes, putting up lamps, and lighting them with gas, or otherwise, and by providing watch-houses and watch-boxes, keeping fire-engines, paying the officers employed, and so forth.

10.—The Public Library and Museum Rate.

The Act for establishing Museums in large towns (8 & 9 Vict. c. 43), which was passed in 1845, was confined to boroughs with a population of more than 10,000, and to Museums of Art and Science. It was repealed in 1850 by the 13 & 14 Vict. c. 65, which provided for the establishment of Public Libraries as well as Museums, but was still confined to boroughs with more than 10,000 population. This second Act was itself repealed in 1855 by 18 & 19 Vict. c. 70, which made further provisions on the subject, and which was amended in 1866 by 29 & 30 Vict. c. 114.

The Act of 1855, thus amended, may be adopted in any municipal borough with more than 5,000 population, or in any district within the limits of an Improvement Act, containing more than 5,000 population, or in any parish with more than 5,000 population. It applies to public libraries or museums, or both, and to schools for science or art.

In a borough, the expenses are to be defrayed out of the borough rate, or out of a separate rate to be levied like the borough rate [*see* "the Borough, Library, and Museum Rate"]; and in a district under an Improvement Act, out of the improvement rate, or out of a separate rate to be levied like the improvement rate.

In a parish adopting the Act, Commissioners are to be appointed, and their expenses are to be paid out of a rate, "to be made and recovered in like manner as a poor rate," except as to the scales of contribution.

Neighbouring parishes with an aggregate population of more than 5,000, may combine; but in that case the proportion of the expenses payable by each "shall be paid out of the monies to be raised for the relief of the poor"; so that, apparently, the different scales of contribution will not be applicable.

Any parish, of whatever population, may join a borough, district, or parish; the expense to be paid out of the poor rate.

11.—The General District Rate.

This rate is levied by the Local Boards under the Local Government Act of 1858, for the various purposes of that Act, except water supply and private improvements, with respect to which special provisions are made; and special provisions are also made with regard to the repair of the roads. [*See* Mr. T. Taylor's evidence.]

Note.—A "special district rate" is still leviable under the Public Health Act of 1848 in certain cases, for certain purposes.

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12.—The Sewerage Rate.

Where the sewer authority under the Sewage Utilisation Acts is the Town Council of a borough, or the Improvement Commissioners of a district, the expenses are paid out of the borough fund or rate, or out of the improvement rate; but where the sewer authority is a parish vestry, they are to obtain the necessary funds by issuing their precepts to the overseers, who are to levy a separate rate in the same manner as if it were a poor rate, except that tithes, lands, and other properties are to be assessed in different proportions, according to the same scale as in the case of the general district rate. The principal functions of the sewer authority are to construct proper drains and sewers, to protect streams from pollution, to provide for the storing, disinfecting, and distribution of sewage, with a view to its utilisation for agricultural purposes, and also to provide for the supply of water to the district, and even to provide district hospitals, or temporary places for the reception of the sick.

"Special drainage districts" may be formed of parts of parishes; and, on the other hand, districts may be united and placed under a "joint sewerage board" (30 & 31 Vict. c. 113). In the latter case, a common fund is to be formed by contributions from the constituent localities.

14.—The Parish Improvement Rate.

The purpose of this rate is to carry out the provisions of the Act 23 & 24 Vict. c. 30, which may be adopted in any borough [*see* the "Borough Improvement Rate"], or in any parish with a population of more than 500. If adopted in any such parish, the expense may, as it seems, be paid either out of the poor rate, or out of a separate rate, to be called "The ——— Parish Improvement Rate" (though there are no distinct provisions as to the assessment or levy of this separate rate). The Act empowers the ratepayers "to purchase or lease lands, and to accept gifts and grants of land, for the purpose of forming any public walk, exercise, or playground, and to levy rates for maintaining the same, and for removal of any nuisances or obstruction to the free use and enjoyment thereof, and for improving any open walk or footpath, or placing convenient seats, or shelters from rain, and for other purposes of a similar nature."

15. The Animals Contagious Diseases Rate.

Under the Act 32 & 33 Vict. c. 70, the compensation and expenses are either to be levied as a separate rate, or to be paid out of existing rates (county rate, metropolitan consolidated rate, borough fund or rate, or borough police rate, &c.), but the amount is to be specified in the demand upon the individual ratepayer; and it is provided (s. 89), that "any person who is not the owner of the premises in respect of which he is rated under this section to the local rate, may deduct from the growing rent due to the owner of such premises one-half of the rate payable by him for the purposes of this section," *i. e.*, the compensation for slaughtered cattle, and the payment of principal and interest on loans. No deduction can be made from the rent in respect of the other expenses under the Act.

16.—The Church Rates.

The church rate at common law was intended to provide for the repair of the fabric of the Church, and for the furnishing of all things necessary for Divine service. Under special statutes, the enlargement of old churches, the erection of new ones, the repair of chapels, and the acquisition of new or additional burial grounds, have been included among the objects of the rate. By 31 & 32 Vict. c. 109 (passed in 1868), the compulsory levy of such rates was abolished, except in certain specified cases, as, for instance, where rates are required to pay off moneys advanced on the security of the church rates. Church rates, however, may still be lawfully made for the same purposes as formerly, and may be paid by trustees and others (*see* s. 7), though they cannot be legally enforced.

17.—The Sewers Rate.

18.—The General Sewers Tax.

19.—The Land Drainage "Special Rate."

The purposes of the sewers rate under the Act of 23 Hen. 8, c. 5, amended by subsequent statutes, are to make, repair, and amend walls, ditches, banks, sewers, bridges, streams, and other defences by the coasts of the sea and marsh ground; to renew and cleanse such trenches, sewers, and ditches as may require it; and to reform or overthrow all such walls, streams, ponds, locks, fish garths, hebbing wears, and other impediments and annoyances as are found to be excessive or hurtful. The general sewers tax, on the other hand,

hand, is levied under 4 & 5 Vict. c. 45, to provide for the remuneration of the clerks and other officers of the court, of allowances to witnesses (and to jurymen?), of expenses incurred in surveying and valuing lands, of costs connected with litigation, and other incidental charges.

21.—The Inclosure Rate.

22.—The Regulated Pasture Rate.

The inclosure rate may be levied to meet the expenses of the inclosure of common lands under the General Inclosure Act, 8 & 9 Vict. c. 118; and the regulated pasture rate may be levied in certain cases under the provisions of the same Act, by which the Inclosure Commissioners are empowered to convert lands inclosed under the Act into "regulated pastures," to be stocked and depastured in common by the persons interested therein, in proportion to their respective rights and interests. For this purpose, "field reeves" are to be appointed, who are to manage the "regulated pastures," and whose salaries and expenses are to be defrayed by a rate payable by the owners of the several "stints," or rights of pasture.

II.—RATES OF AGGREGATE DISTRICTS.

[*Note.*—With regard to the rates included in this class, it may be stated generally, that they are raised by one set of officers and expended by another. There is a certain degree of ambiguity, and even inaccuracy, in saying that the justices in a county make a "county rate," or that the council in a borough make a "borough rate." They issue their precepts to the overseers, or other persons, calling for a certain amount of money to be paid to them in respect of each parish or place; but it is the overseers or other persons who make the rate, to which the individual ratepayers in each parish or place are required to contribute. In most cases, the overseers, or other persons, pay out of the poor rate the money thus called for by the justices, or the council; but in certain cases, as, for instance, where a parish is divided by the boundary line of the county or borough, they are required by the law to raise a separate rate within the part of the parish which is liable to contribute. In the case of the borough rate, also, the council may order the overseers, even in an undivided parish, to raise a separate rate. But with respect to the proceedings of the justices, or the council, the position of the matter is this: that although the greater number of the purposes for which they have to provide are comprised in one general rate (the county rate in counties, the hundred rate in hundreds, and the borough rate in boroughs), yet there are certain purposes for which they either must, or may (in some cases must, in others may), make separate rates, or to speak more strictly, make separate calls upon the overseers or other persons in the respective parishes and places included in their jurisdiction. It is in this sense, for example, that "the county police rate" is here described as distinct from "the county rate," or "the borough burial rate" from "the borough rate." It is necessary to bear in mind that a separate rate thus made by the justices over the whole county, is very different from the separate rate raised in a portion of a divided parish for the purpose of paying the required contribution towards a general rate, such as "the county rate." In the one case, the rate is separately raised, in order to confine it to the particular district which is liable; whilst in the other case, the rate is separately made in order to distinguish the expenditure, and provide for it by a particular fund.]

1. The County Rate.

In 1739 an Act was passed (12 Geo. 2, c. 29), consolidating into one rate the several distinct rates which were then leviable in counties, under the provisions of various statutes, for sundry purposes which are specified in the preamble to the Act. Those purposes comprised the repair of bridges and adjacent highways; the building of jails; the providing of houses of correction; the relief of poor prisoners, and of hospitals and almshouses; and the passing and conveying or maintaining of rogues and vagabonds. By the Act which was passed in 1815 (55 Geo. 3, c. 51), to amend the Act of Geo. 2, the justices are authorised and empowered, whenever circumstances shall appear to require it, to order a fair and equal county rate to be made "for all the purposes to which the county stock or rate is now or shall hereafter be made liable by law." These terms are repeated in 15 & 16 Vict. c. 81, by which the 55 Geo. 3, c. 51, was repealed.

Some of the principal purposes to which the county rate is applicable, in addition to those enumerated in 12 Geo. 2, c. 29, and mentioned above, are the following:—

The payment of the expenses of maintaining prisons, the salaries of the officers and their superannuation allowances, the maintenance of the prisoners, their conveyance, and the allowances to discharged prisoners;

The providing and maintaining of lock-up houses, for the temporary confinement of persons in custody;

The payment of the costs connected with the prosecution of offenders; (*a*) at the

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assizes; (*b*) at the quarter sessions; (*c*) under the Criminal Justice Act, 18 & 19 Vict. c. 126; and (*d*) under the Juvenile Offenders Act, 10 & 11 Vict. c. 82;

The payment of coroners' salaries and the expenses of coroners' inquests;

The payment of expenses incurred under the Reformatory Schools Act (29 & 30 Vict. c. 117), which are to be deemed to be expenses incurred under the Prisons Act, 1865;

The maintenance of pauper lunatics, and of criminal lunatics, where the settlement cannot be ascertained; and the payment of salaries and other expenses incurred beyond the sums received in reference to houses licensed for the reception of lunatics, under the Lunacy Act of 1845, 8 & 9 Vict. c. 100;

The cost of providing and maintaining militia storehouses;

The providing of copies of standard weights and measures, together with the requisite stamps, and the remuneration of the inspectors and examiners;

The payments to high constables; and the allowance to special constables;

The payment of the expenses incurred by the clerks of the peace in carrying into effect the Act relating to the registration of voters and the election of Members of Parliament;

The removal of paupers to Scotland, Ireland, and the Channel Islands, from any parish not in union, and not containing a population exceeding 30,000;

The remuneration of the county treasurers, and the payment of allowances and other expenses under the Acts relating to the assessment and collection of the county rates.

The foregoing is a general statement of the principal charges on the county rate; but there are some, and there may be many others of a less important character. As regards the purposes provided for by the separate rates hereafter-mentioned, namely, the county police rate; the shire hall rate; the county lunatic asylum rate; the county burial rate; and also the hundred rate; *see* the notices of those rates, *post*.

2.—The County Police Rate.

This rate is levied separately from the ordinary county rate, for payment of the expenses incurred for the purpose of carrying into execution the County Police Acts; such as the salaries and allowances payable to the police constables, and the cost of their clothing, accoutrements, and other necessaries, and their superannuation allowances, when the superannuation fund is insufficient (*see* 2 & 3 Vict. c. 93; 3 & 4 Vict. c. 88; 19 & 20 Vict. c. 69; 20 Vict. c. 2; 21 & 22 Vict. c. 68; 22 & 23 Vict. c. 32). The cost of station houses and strong rooms, cast by the 3 & 4 Vict. c. 88, upon the police rate, may be transferred in certain cases to the county rate, under 19 & 20 Vict. c. 69. The latter Act enables the Treasury, under certain conditions, to repay a proportion, not exceeding one-fourth of the pay and clothing of the constables, out of the monies provided by Parliament for the purpose.

3.—The Shire Hall Rate.

It is doubtful whether, under the terms of the Act, 7 Geo. 4, c. 63, the expense of providing the Shire Halls and Judges' lodgings is to be paid out of the ordinary county rate, or out of a separate rate levied for the purpose. If a separate rate be raised, it would be in all respects like a county rate, but limited to this particular object (*see* 7 Geo. 4, c. 63; 7 Will. 4, & 1 Vict. c. 24; and 10 & 11 Vict. c. 28).

4.—The County Lunatic Asylum Rate.

The Lunatic Asylums Act of 1853 (16 & 17 Vict. c. 97), enacts that in order to defray the expenses payable by any county for the purposes of that Act, the justices in general or quarter sessions "shall assess and tax a general county rate or rates upon such county, and may and shall fix a sum or rate to be contributed by all places whatsoever within such county (other than any borough being within such county or by this Act for the purposes thereof annexed thereto), and whether such places be or be not liable to contribute to an ordinary county rate."

5.—The County Burial Rate.

The expense of burying dead bodies cast on shore from the sea by wreck or otherwise is to be paid, in the first instance, by the churchwardens or overseers in parishes, and the constables or headboroughs in extra-parochial places, and is to be repaid to them by the county treasurer on the order of any one justice of the county; and for this purpose, the justices in general or quarter sessions may cause the necessary sums of money "to be raised in the same manner as rates are directed to be raised" by the Act 12 Geo. 2, c. 29. It is, therefore, a question whether, in strict law, this rate must not still be raised under the specific provisions of that particular Statute. At all events, it is required to be raised as a separate rate; but the amount is so small that the expense is probably in all cases paid out of the general county rate.

6. The Hundred Rate.

The ancient hundred rate, under the common law, is obsolete; but a hundred rate may still be levied, when necessary, for the following purposes, namely:—

Under 7 & 8 Geo. 4, c. 31, for the payment of full compensation to persons damnified by the felonious demolition, pulling down, or destruction, wholly or partly, of certain descriptions of property, by persons riotously and tumultuously assembled together; and also, for the payment of the costs incurred by the high constables in respect of any action brought against the hundred for such compensation. The descriptions of property to which the Act thus refers are, any church or chapel, or any chapel for the religious worship of persons dissenting from the Established Church, duly registered or recorded; any house, stable, coach-house, out-house, warehouse, office, shop, mill, malt-house, hop-oast, barn, or granary; any building or erection used in carrying on any trade or manufacture, or branch thereof, or any machinery, whether fixed or movable, prepared for or employed in any manufacture or branch thereof; any steam engine, or other engine for sinking, draining, or working any mine, or any staith, building, or erection, used in conducting the business of any mine, or any bridge, waggon-way, or trunk for conveying minerals from any mine; and also any fixture, furniture, or goods whatever, in any such church, chapel, house, or other building or erection. By the 2 & 3 Will. 4, c. 72, these provisions are extended to every threshing-machine, whether fixed or movable, together with any erection or fixture in or about, or belonging to it.

7. The Borough Rate.

By the "Municipal Corporations Act of 1835," 5 & 6 Will. 4, c. 76, it is provided, that in case the Borough Fund shall not be sufficient for the purposes to which it is applicable, the Council shall order a borough rate in the nature of a county rate to be made within the borough, and all sums levied in pursuance of such borough rate shall be paid over to the account of the Borough Fund. The rate is therefore levied to supply the deficiency of the borough fund; special provision, however, is made for the levy of a separate watch rate in certain cases.

Although the rate, generally speaking, is to be raised like a county rate, it is specially enacted, by the 7 Will. 4 and 1 Vict. c. 81, that the Council, instead of ordering the overseers to pay it out of the poor rate, may order them to "make and collect a certain pound rate upon, and from, the occupiers, or possessors, of all rateable property within such parish or place, for the amount of the rate for which such parish or place may be liable." The enactment is somewhat vague in its terms, as it does not require the separate rate to be assessed and levied like a poor rate, but directs that it shall be made and collected upon, and from "the occupiers or possessors" of all "rateable" property within the parish. If, however, the difficulties of the language be overcome, the case is not like that of a divided parish, partly in the borough and partly in the neighbouring county, where a separate rate is required by law to be made; inasmuch as under this provision it rests entirely in the discretion of the Council to determine whether the overseers shall be ordered to make a separate rate or not.

8. The Borough Watch Rates.

These rates are to be levied like the borough rate, but are to be levied separately, in order that they may be confined to the districts that are watched (*see* 5 & 6 Will. 4, c. 76, s. 92; 2 & 3 Vict. c. 28; and 3 & 4 Vict. c. 28).

As regards the levy in the individual parishes, it is provided by 3 & 9 Vict. c. 110, s. 6, that where only a part of a parish is liable to the watch rate, the overseers shall not pay the amount out of the poor rate, but out of a separate rate, to be raised in the particular part so liable to the watch rate.

9. The Borough Gaol Rate.

This rate may be raised "for building or re-building, repairing, or enlarging the prison, court-house, and other necessary buildings to be used with the prison" of the borough. For these purposes the Council may borrow money; and in order to pay the interest and repay the loan, they may either resort to the borough fund or borough rate, or "instead or in aid thereof," may have recourse to a separate rate, termed a "Gaol Rate" in the Act 5 & 6 Vict. c. 98.

10. The Borough Prisoners Rates.

The 5 & 6 Vict. c. 98, provides for the payment of expenses connected with prisoners sent from a borough having a separate court of sessions, to the prison of the county, where no special contract is entered into between the borough and the county. The Act further provides for the payment of the expenses "incurred in the conveyance, transport, maintenance, safe custody, and care of such prisoners;" and the language of the Act seems to require that for these purposes two separate rates should be levied, distinct from the general borough rate, and also from each other.

Appendix, No. 6.

11. The Borough Lunatic Asylum Rate.

The "Lunatic Asylums Act of 1853," 16 & 17 Vict. c. 97, enacts, that in order to defray the expenses payable by any borough for the purposes of that Act, the Council "may, and shall," assess a general borough rate in the nature of a county rate upon such borough, which shall be collected, levied, and recovered, in the same manner as any ordinary rate for such borough.

12. The Borough Library and Musuem Rate.

In the work on the "Local Taxes" in 1846, "the Borough Museum Rate" was described as being authorised by the Act 8 & 9 Vict. c. 43, which was passed in 1845, "for encouraging the establishment of museums in large towns." In 1848, a paper by Mr. Edward Edwards on "Free Town Libraries," which was published in the journal of the Statistical Society, attracted the attention of the late Mr. William Ewart, M.P., and ultimately led to the appointment of a Parliamentary Committee, whose report paved the way for the Public Libraries Act of 1850, 13 & 14 Vict. c. 65.

The Act of 1845 was confined to municipal boroughs with a population exceeding 10,000, and to museums of art and science. It was repealed by the Act of 1850, which was itself repealed in 1855 by the 18 & 19 Vict. c. 70. The Act of 1850 extended to public libraries as well as museums, but was still confined to municipal boroughs with more than 10,000 population.

The Act of 1855, which was amended in 1866 by 29 & 30 Vict. c. 114, applies to any municipal borough of more than 5,000 population, and extends either to public libraries or to museums, or to both, or to schools for science or art. The adoption of the Act is optional; but if it be adopted in any borough, the expenses may be paid either out of the borough rate or out of a separate rate, to be made and recovered like a borough rate, provided the amount do not exceed in any one year "one penny in the pound upon the annual value of the property in such borough rateable to a borough rate."

There is a special provision enabling adjoining parishes, "of whatever population," to combine with a borough for this purpose. [*See* also "The Public Library and Museum Rate," *ante.*]

13. The Borough Baths and Washhouses Rate.

Where the Act for the establishment of baths and washhouses (9 & 10 Vict. c. 74, passed in 1846) is adopted in a borough, the expense is to be paid out of the borough fund, and for that purpose the Council may levy the required sums "with, and as part of the borough rate, or by a separate rate to be assessed, levied, paid, and recovered in like manner, and with the like powers and remedies in all respects as the borough rate." It is provided, however, that "the income arising from the baths and washhouses and open bathing places in any borough shall be paid to the credit of the borough fund thereof, and the Council shall keep distinct accounts of their receipts, payments, credits, and liabilities, with reference to the execution of this Act, to be called 'The Public Baths and Washhouses Account.'" As to the charges for the use of the baths, &c., *see* 10 & 11 Vict. c. 61.

14. The Borough Improvement Rate.

For a description of the objects of the Act, 23 & 24 Vict. c. 30, which was passed in 1860, in order to give facilities "for the purpose of effecting local improvements beneficial to the health and comfort of the people," *see* "The Parish Improvement Rate," *ante.* The Act may be adopted for any borough in the same manner as the Act 9 & 10 Vict. c. 74, relating to the establishment of baths and washhouses, and when so adopted the expenses are to be provided for in the same manner as under that Act. [*See* "The Borough Baths and Washhouses Rate," *ante.*]

15. The Borough Burial Rate.

By the Burial Act of 1854 (17 & 18 Vict. c. 87), it was provided that in a borough the expenses should be paid out of the borough fund or the borough rate "as if the same were expenses incurred in carrying into effect the provisions of the 5 & 6 Will. 4, c. 76;" but under the amending Act of 1857 (20 & 21 Vict. c. 81), the Council are empowered to raise the amount, "if they think fit, by means of a separate rate, to be called a burial rate, to be charged upon all property within such borough liable to be charged to the borough rate." [*See* also "The Burial Board Rate," *ante.*]

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TO

REPORT

FROM THE

SELECT COMMITTEE

ON

LOCAL TAXATION.

Ordered, by The House of Commons, *to be Printed,*
15 *July* 1870.

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H.

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3. *Clerk of the Peace.*
4. *Coroners.*
5. *County Gaol and Government Prisoners.*
6. *County Rate (generally).*
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1. *Water Rate; its Incidence partly upon Landlords.*
2. *Improvement Rates; Expediency of their being borne partly by Owners.*
3. *Payment by Landlords of the Rates on small Houses.*
4. *Division of the Sewers Rate between Landlord and Tenant.*
5. *Expenditure for Lunatics.*
6. *Other Details generally relative to the Rates and their Administration.*

1. *Water Rate; its Incidence partly upon Landlords:*

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3. *Payment by Landlord of the Rates on small Houses:*

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1. *Amount of the County Rate.*
2. *System of Assessment.*
3. *Administration by Magistrates.*
4. *Extent of Control of the Magistrates over the County Expenditure.*
5. *Lunatic Asylums.*
6. *Prisons and Feltham Industrial School.*
7. *Coroners.*
8. *Police.*
9. *Militia Store-houses.*
10. *Superannuation of Officers.*
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1. *Amount of the County Rate:*

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S.

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3. *System of Assessment of Poor Rate.*
4. *Division of Highway Rates between Owners and Occupiers.*
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TO

REPORT

FROM THE

SELECT COMMITTEE

ON

LOCAL TAXATION.

Ordered, by The House of Commons, *to be Printed*,
15 *July* 1870.

[*Price* 6 *d.*]

353.

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REPORT

FROM THE

SELECT COMMITTEE

ON

PAWNBROKERS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
21 *July* 1870.

Monday, 4th April 1870.

Ordered, THAT a Select Committee be appointed to inquire into the State of the Law affecting the Pawnbroking Trades, with a view to its consolidation and Amendment.

Monday, 9th May 1870.

Committee nominated of—

Mr. Ayrton.
Mr. Richard Arkwright.
Mr. Alderman Carter.
Mr. Hambro.
Mr. Thomas Hughes.
Mr. Charles H. Mills.
Mr. Whitwell.
Mr. Ridley.
Mr. Serjeant Simon.
Colonel Beresford.
Mr. Morley.
Mr. Sidebottom.
Mr. Montague Guest.
Mr. Charley.
Mr. Plimsoll.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Monday, 30th May 1870.

Ordered, That the Select Committee do consist of Seventeen Members.

Ordered, THAT Mr. *Crum-Ewing* and Mr. *Orr Ewing* be added to the Committee.

Thursday, 21st July 1870.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the state of the LAW affecting the PAWNBROKING TRADES, with a view to its consolidation and Amendment;——HAVE considered the matters to them referred, and have agreed to the following REPORT:—

YOUR COMMITTEE have examined numerous witnesses upon the matters referred to them, and have agreed to Report the evidence they have taken to the House, and to recommend that the Committee be re-appointed at the commencement of next Session to continue their inquiry.

21 *July* 1870.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 9*th June* 1870.

MEMBERS PRESENT:

Mr Charley.
Mr. Plimsoll.
Mr. Serjeant Simon.
Mr. Thomas Hughes.
Colonel Beresford.
Mr. Ayrton.
Mr. Montague Guest.
Mr. Charles Mills.
Mr. Orr Ewing.

Mr. *Ayrton* was called to the Chair.

[Adjourned till Monday next, at One o'clock.

Monday, 13*th June* 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Mr. Charley.
Mr. Serjeant Simon.
Mr. Ridley.
Mr. Charles Mills.
Mr. Richard Arkwright.
Mr. Alderman Carter.
Mr. Hambro.
Mr. Thomas Hughes.
Mr. Morley.
Mr. Whitwell.
Colonel Beresford.
Mr. Montague Guest.
Mr. Orr Ewing.
Mr. Crum-Ewing.

Mr. *Alfred Hardaker* and Mr. *John Dicker* were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 16*th June* 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Mr. Charley.
Mr. Alderman Carter.
Mr. Montague Guest.
Mr. Charles H. Mills.
Mr. Plimsoll.
Mr. Serjeant Simon.
Mr. Crum-Ewing.
Mr. Whitwell.
Mr. Thomas Hughes.

Mr. *John Dicker* further examined.

[Adjourned till Monday next, at One o'clock.

Monday, 20th June 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Mr. Orr Ewing.	Mr. Arkwright.
Mr. Montague Guest.	Mr. Crum-Ewing.
Mr. Thomas Hughes.	Mr. Plimsoll.
Mr. Hambro.	Mr. Alderman Carter.
Colonel Beresford.	Mr. Charles Mills.
Mr. Morley.	Mr. Ridley.

Mr. *John May* and Mr. *J. Brooking* were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 23rd June 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Mr. Arkwright.	Mr. Hambro.
Mr. Crum-Ewing.	Mr. Ridley.
Alderman Carter.	Mr. Montague Guest.
Mr. Plimsoll.	Mr. Thomas Hughes.
Colonel Beresford.	Mr. Orr Ewing.

Mr. *Alexander M'Call*, Mr. *William Miller*, Mr. *Frederick Williamson*, and Mr. *Benjamin Blackwood*, were severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 27th June 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Mr. Orr Ewing.	Colonel Beresford.
Mr. Alderman Carter.	Mr. Crum-Ewing.
Mr. Hambro.	Mr. Charles Mills.
Mr. Arkwright.	Mr. Plimsoll.
Mr. Whitwell.	Mr. Ridley.
Mr. Montague Guest.	Mr. Morley.

Mr. *William Hector* and Mr. *Archibald McKay* were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 30th June 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Mr. Richard Arkwright.	Mr. Orr Ewing.
Mr. Alderman Carter.	Mr. Montague Guest.
Mr. Whitwell.	Mr. Morley.

Dr. *Hancock*, Mr. *Alfred Keeson*, and Mr. *J. M. Walter*, were severally examined.

[Adjourned till Monday next, at One o'clock.

Monday, 4th July 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Mr. Alderman Carter.
Mr. Whitwell.
Mr. Hambro.
Mr. C. H. Mills.
Mr. Orr Ewing.
Colonel Beresford.
Mr. Richard Arkwright.
Mr. Ridley.
Mr. Crum-Ewing.
Mr. Montague Guest.
Mr. Thomas Hughes.

Mr. *John M. Walter* further examined.

Mr. *Richard Attenborough* and Mr. *Francis Turner* were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 7th July 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Mr. Whitwell.
Mr. Richard Arkwright.
Mr. Alderman Carter.
Mr. Charles Mills.
Colonel Beresford.
Mr. Thomas Hughes.
Mr. Crum-Ewing.
Mr. Ridley.
Mr. Orr Ewing.
Mr. Hambro.
Mr. Plimsoll.

Mr. *Lucas P. Stubbs*, Mr. *Rayner Storr*, Mr. *Robert Attenborough*, and Mr. *William Shaw*, were severally examined.

[Adjourned till Monday next, at One o'clock.

Monday, 11th July 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Mr. Crum-Ewing.
Mr. Whitwell.
Mr. Plimsoll.
Mr. Alderman Carter.
Mr. Orr Ewing.
Mr. Richard Arkwright.
Mr. Ridley.
Mr. Thomas Hughes.
Mr. Hambro.
Colonel Beresford.
Mr. Charles Mills.

Sir *Thomas Henry* and Mr. *William M'Donald* were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 14th July 1870.

MEMBERS PRESENT:

Mr. AYRTON in the Chair.

Mr. Whitwell.
Mr. Alderman Carter.
Mr. Plimsoll.
Mr. Charles Mills.
Mr. Richard Arkwright.
Mr. Thomas Hughes.
Mr. Crum-Ewing.
Mr. Orr Ewing.

Mr. *Francis Turner* further examined.

Mr. *Robert Bruce Johnston* and Mr. *William Rayner* were severally examined.

[Adjourned till Monday next, at One o'clock.

Monday, 18*th July* 1870.

MEMBERS PRESENT:

Mr. WHITWELL in the Chair.

Mr. Plimsoll.	Mr. Orr Ewing.
Mr. Alderman Carter.	Mr. Hambro.
Mr. Crum-Ewing.	Mr. Morley.

Mr. *George McKay*, Mr. *William Scoular*, and Mr. *Arthur Davidson*, were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 21*st July* 1870.

MEMBERS PRESENT:

Mr. WHITWELL in the Chair.

Mr. Richard Arkwright.	Mr. Morley.
Mr. Crum-Ewing.	Mr. Alderman Carter.
Mr. Orr Ewing.	Mr. Ayrton.
Colonel Beresford.	

Sir *William Bodkin*, Mr. *George Russell*, Mr. *George Scotson*, and Mr. *George Attenborough*, were severally examined.

DRAFT REPORT read a first and second time, and *agreed to*.

Ordered, To Report, together with Minutes of Evidence and Appendix.

EXPENSES OF WITNESSES.

NAME of WITNESS.	PROFESSION or CONDITION.	From whence Summoned.	Number of Days Absent from Home under Orders of Committee.	Expenses of Journey to London and back.	Allowance during absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Alexander M'Call -	Chief Constable of Glasgow.	Glasgow -	3	6 3 –	3 3 –	9 6 –
William Miller - -	Merchant - - -	Glasgow -	3	6 3 –	3 3 –	9 6 –
Benjamin Blackwood -	Pawnbroker - -	Bradford -	5	3 12 –	5 5 –	8 17 –
John May - -	Pawnbroker - -	Salford -	3	3 10 –	3 3 –	6 13 –
Joseph Brooking -	Pawnbroker - -	Exeter -	3	3 16 –	3 3 –	6 19 –
William Hector -	Solicitor - - -	Ayr - -	5	6 17 6	10 10 –	17 7 6
William MacDonald -	Solicitor - - -	Edinburgh -	3	6 6 –	6 6 –	12 12 –
Robert Johnston -	Solicitor - - -	Edinburgh -	3	6 6 –	6 6 –	12 12 –
George Scotson -	Pawnbroker - -	Leeds -	2	3 5 –	2 2 –	5 7 –
George Russell - -	Pawnbroker - -	Edinburgh -	3	6 6 –	3 3 –	6 9
					£.	95 8 6

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MINUTES OF EVIDENCE.

Monday, 13th June 1870.

MEMBERS PRESENT:

Mr. Richard Arkwright.
Mr. Ayrton.
Colonel Beresford.
Mr. Alderman Carter.
Mr. Charley.
Mr. Crum-Ewing.
Mr. Orr Ewing.
Mr. Montague Guest.
Mr. Hambro.
Mr. Thomas Hughes.
Mr. Charles Henry Mills.
Mr. Morley.
Mr. Ridley.
Mr. Serjeant Simon.
Mr. Whitwell.

THE RIGHT HON. ACTON SMEE AYRTON, IN THE CHAIR.

Mr. ALFRED HARDAKER, called in; and Examined.

Mr. *A. Hardaker.*
13 June 1870.

1. *Chairman.*] WHAT are you?—A Pawnbroker.

2. Are you also the Secretary of the Liverpool Pawnbrokers' Association?—I am.

3. How long have you been a pawnbroker?—Twenty-four years.

4. Have you been 24 years in business?—Not on my own account; it is 24 years since I entered as an apprentice.

5. How long have you been in business on your own account?—Eleven years.

6. Have you given your attention to the Acts which regulate your business?—I have.

7. Can you state what those Acts are?—Yes.

8. Which is the first Act?—The 39 & 40 Geo. 3, c. 99, which is known to us as the principal Act, which consists of 36 sections.

9. What is the next Act?—The 9 & 10 Vict. c. 98, which is an amendment of the principal Act.

10. What is the next Act?—The 19 & 20 Vict. c. 27, which inflicts penalties for trading without a license.

11. Is there an Act of the 2 & 3 Vict. authorising the magistrates to mitigate penalties?—Yes.

12. Is there another Act, the 23 Vict. c. 21?—Yes; that is an amendment upon a portion of clause 6, and enables pawnbrokers to charge for duplicates under 5*s.*

13. There is also another law regulating the duty which is paid by you under the 25 Geo. 3, c. 48, is there not?—Yes.

14. Mr. *T. Hughes.*] Which is the Act under which you are allowed to charge a halfpenny for pawn tickets?—The Act of 1860, the 23 Vict. c. 21, which I have just named.

15. *Chairman.*] Can you give the Committee a general view of the principal Act of 39 & 40 Geo. 3, as it affects your trade?—I think I can; it is necessary to refer to the Act of Parliament, and beginning with the 2nd clause, from the 2nd paragraph of that clause, down to the 10th, it will be found that a rate of profit is drawn out, allowing a pawnbroker to charge a halfpenny per month for every complete half-crown of money lent; this is a portion of the rate, which is exceedingly simple, and well understood by us and by our customers; and I believe that in no case, so far as my knowledge extends, has it ever been exceeded. But the 11th paragraph introduces another element by which all pledges above 42*s.* and not exceeding 10*l.* shall be charged for at a rate of 3*d.* per pound per month, and no more.

16. At the time when this Act was passed, do you know that the usury laws were in force, and that this was a privilege to you to charge more than the regular rate of interest?—I believe so; but with regard to the element here introduced, of calculating at the rate of 3*d.* in the pound per month, I wish to illustrate the difficulties which a pawnbroker has to undergo in trying to carry out that portion of the Act, and I have prepared a short statement showing the interest to be paid from 2*l.* 3*s.* up to 2*l.* 10*s.*, which I will, with their permission, read to the Committee. For 42*s.* I am enabled to charge 8*d.* per month. If I lend 2*l.* 3*s.*, the correct interest is $6\frac{3}{4}d.$ and $\frac{18}{20}$ths per month; for 2*l.* 4*s.*, $6\frac{1}{2}d.$ and $\frac{8}{20}$ths; for 2*l.* 5*s.*, $6\frac{3}{4}d.$; for 2*l.* 6*s.*, $6\frac{3}{4}d.$ and $\frac{11}{20}$ths; for 2*l.* 7*s.*, 7*d.* $\frac{4}{20}$ths; for 2*l.* 8*s.*, 7*d.* $\frac{18}{20}$ths; for 2*l.* 9*s.*, $7\frac{1}{4}d.$ and $\frac{8}{20}$ths; and for 2*l.* 10*s.*, $7\frac{1}{2}d.$

17. I suppose

Mr. *A. Hardaker.*

13 June 1870.

17. I suppose the object of your mentioning those figures is to show that the statutory rate does not correspond with any known coinage?—Yes, and the difficulty under which we work in trying to carry out this rate.

18 Then you have the power of relieving yourselves of this trouble by charging the coin just below the rate; you are not bound to charge the maximum figure, are you?—No; but I want to illustrate the difficulty which the public have in understanding a rate like that, as well as the difficulty which we ourselves have in calculating it.

19. You mean that the absolute rate prescribed by statute is one which cannot be paid in current coin?—I do.

20. Have you noted any other sections to which you wish to call the attention of the Committee?—The last paragraph of section 2 is, that the "said several sums shall be taken in lieu of and as a full satisfaction for all interest due, and charges for warehouse room." That we find to work very unsatisfactorily, as whatever may be the nature of the security the same rate is to be charged. I may illustrate it with regard to, say, a silver watch, which pays the same interest as a bed, or any large article of furniture would pay. We contend that this prevents a pawnbroker from taking in such articles as would be a great convenience to the pledger, in consequence of the small remuneration which he is allowed to charge according to the Act of Parliament; and for this we seek to have the liberty to make special contracts, enabling us to charge on such goods as to cover the expenses of warehousing and working.

21. That is where the goods require large warehouse space and much attention?—Yes; and a careful porterage, such as furniture, glass, china, pictures, and any delicate class of articles which require special care for their preservation, which a pawnbroker cannot give to his ordinary stock.

22. Have you any observations to make on clause 3?—That introduces the same element as I have pointed out in the 11th paragraph of clause 2. It provides that all intermediate sums between the 2*s.* 6*d.*, which I have spoken of, and 12 *s.* shall be charged for at the rate of 4*d.* in the pound per month, which also introduces fractions which are very difficult to calculate correctly, and are scarcely ever understood, by the customers.

23. Do you mean that, when you deal in shillings, the 4*d.* in the pound does not give any known coin for the shilling?—Yes; the interest of 3*s.*, for instance; the interest for a half-crown is a halfpenny, and the interest for 3*s.* is to be calculated at the rate of 20 per cent. per annum.

24. And that does not result in any known coin?—In a great many cases it does not.

25. What, then, do you propose as a remedy for this objectionable mode of making the calculation?—A simple rate of not less than a halfpenny, for a certain amount of money lent per month, without the intermediate calculations. Our suggestion is, that the rate should be charged which is now in existence in Ireland, namely, a halfpenny for each 2*s.* lent, or part of 2*s.*

26. Is that a uniform rate for all sums?—For all sums up to 10*l.*

27. Under what Act is that?—Under 28 Geo. 3, c. 49.

28. Mr. *T. Hughes.*] That is an Act of the Irish Parliament, is it not?—Yes; and it is the Act under which the trade is worked at the present time.

29. *Chairman.*] Is 10*l.* the limit of the pawnbroking in Ireland, then?—Yes, as well as in Great Britain.

30. Have you any observations to make upon clause 4?—The same objection that we make to the fractions of money: in London, I believe, clause 4 is carried out strictly; but in country towns, where farthings are not usually a current coin, this clause is almost universally evaded by pawnbrokers; where a farthing becomes due a halfpenny is taken. That is the custom in country towns, although, of course, there are exceptions of pawnbrokers, who will not condescend to do that sort of thing.

31. You mean that they do not give the change of a farthing, as required by this clause?—They do not.

32. Have you any observation to make upon clause 5 of the Act?—This creates considerable confusion taken in connection with the third clause, as it provides that a portion of a month shall be charged for. That of course adds very much to the confusion of the calculations.

33. Then what is your view with regard to this charge?—That we should be entitled to charge for a whole month after a certain number of days of grace. It is by law seven days. After seven days, a month and a half can be charged; but I am of opinion that we might extend the days of grace to 10, 12, or even 14 days (as far as I am personally concerned), and then that we should be able to charge two whole months. In Ireland the days of grace are only three, and after that time the whole month is charged for. They have no half-months there at all.

34. What is the practice now with regard to the days of grace?—Generally, in the country, to take a whole month after the seven days.

35. Mr. *Morley.*] After what date?—After the seven days' grace. A full month is always due in the first instance; every pledge pays for one month, however short a time it may have been in pledge; but after the first month seven days are allowed to elapse before we can legally charge for a month and a half, and 14 days before two months can be taken for; but it is the custom in the country to charge for two months after the expiration of one month and seven days.

36. Mr. *C. H. Mills.*] Is that in the country as distinguished from London?—Yes.

37. *Chairman.*] Then is it your view that after the first month the charge should be for an entire month?—Yes; that is for the sake of carrying out a simplified rate of profit.

38. Mr. *Charley.*] Allowing how many days of grace?—I should be willing to allow 14 days' grace; but there are different opinions as to that.

39. Mr. *Morley.*] What would you recommend charging?—Two months.

40. Supposing that a party comes after a month and 10 days, what would you charge?—Two months; I object to half months at all.

41. You do not believe in half months?—I do not, because I know it has not worked well.

42. Mr. *T. Hughes.*] But I understand the practice at present to be this: that after one month the pawner has a right to come to you for seven days in the next month and take out his pledge upon the payment of one month's interest?—Yes.

43. You

43. You are ready, then, to extend that seven days to 14 days, you on the other hand getting the privilege at the end of 14 days of charging a second month?—I am.

44. Mr. *Morley.*] Then would you be content to take the money at the end of the month and 13 days, charging only one month, and so sacrificing 13 days' interest?—Yes, I should myself, rather than have to charge for the half month.

45. Mr. *Charley.*] As I understand, you wish to avoid fractions of either time or money?—Yes, that is our desire.

46. *Chairman.*] Have you any observation to make upon clause 5, in addition to what you have stated?—No, nothing more.

47. Mr. Serjeant *Simon.*] Are the difficulties of which you are speaking, as to half months, confined to clause 5?—Yes.

48. Mr. *T. Hughes.*] You are ready to give an extra seven days of grace, that is, 14 days in all, at the beginning of every new month, provided that on the expiration of those 14 days, supposing that the pledge is not redeemed, you have a right to charge for the month; is that so?—Yes, we can do that now; but cannot afford to give the extra days of grace with so unremunerative rate of profit.

49. Mr. *C. H. Mills.*] In the first instance, is a month paid down?—Not until redemption of the pledge.

50. Mr. *Hambro.*] You have said that there was considerable difficulty with regard to the fractions of the farthings in dealing with the public; could you not afford to carry on your business if you threw back all fractions of farthings to the pawners?—No; the present rate is not remunerative now, even taking advantage of the fractions of farthings.

51. And it would be still less remunerative if you threw back the fractions of farthings?—Yes. The great advantage of a monthly rate would be that it would be understood by the customer, and the present rate is not.

52. You have stated that one reason why you wish to be able to make a special charge on large objects is that they take up so much room; is it not perfectly in your power to decline to take those pledges if you like?—Certainly.

53. And, therefore, you take those things entirely of your own free will and accord, do you not?—Yes, or we decline them; but that is a great hardship to the pledger.

54. Do you not think it a hard thing for the pledger to have to pledge his bed?—Yes, but it is a harder thing for him to have to sell it outright.

55. In the country, you say that the Act is constantly evaded as regards those fractions; is the Act evaded in London also?—I am not quite acquainted with that. I think generally it is carried out, but there are evasions.

56. Do you think the Act is evaded in Liverpool, with which you are acquainted?—I know it is.

57. Is it very extensively?—Very extensively.

58. Do the police take any steps to detect the evasion of this Act?—Not that I am aware of.

59. Might I ask if you have evaded the Act?—I have, in self defence.

60. In the country, you say that after seven days beyond the month they charge for two months; is there any Act which entitles them to charge for two months?—None; it is an evasion.

61. The Act does not appear to be very stringently carried out?—It is not.

62. Mr. *Charley.*] Can you charge for the whole of the second month after the first 14 days now?—Yes.

63. What would you gain by an addition of seven days' grace?—Simply a rectification of the rate, so as to have a monthly rate; that is our great object.

64. Colonel *Beresford.*] Have you any reason to believe that the bulk of the trade would agree to any such proposal as that?—I have.

65. Mr. *Morley.*] I do not see very clearly that you have the power of charging between 2*s.* 6*d.* and 5*s.*; where do you see that?—The third clause gives that power. By it, any intermediate sum lent upon any pawn or pledge which shall exceed 2*s.* 6*d.*, is to be calculated at the rate of 4*d.*, and no more, for the loan of 20*s.* by the calendar month.

66. Do you reckon that upon every subdivision of the amount between 2*s.* 6*d.* and 5*s.*, say 3*s.* 3*d.*?—Yes, that is the calculation.

67. Mr. *Charley.*] The impossible figure, as I understand, is after 42*s.*?—No; worked out by clause 3, it applies as well under 42*s.*; but I explained that, first, because it came in clause 2, before I got to clause 3. The same principle must be carried out in clause 3 as is introduced in the 11th section of clause 2.

68. Mr. *Whitwell.*] Did the Committee understand you rightly when you said that the farthing alluded to in clause 4, was in the country almost invariably made a halfpenny?—It is.

69. In Ireland, is only a halfpenny charged for the first month?—That is so, for 2*s.* and under 2*s.*

70. And for each consecutive month?—Yes.

71. And what days of grace are there allowed in Ireland?—Three.

72. And no more?—And no more.

73. Mr. *Morley.*] Is there a publication which is called a Table of the Rates of Profit, as recognised by your trade, published by Jackson and Keeson?—Yes, such a table has been published. The pawnbrokers purchase it for their own guidance.

74. I see, then, that for 10*s.*, 2*d.* is charged for a month. According to clause 3, you are to charge for any intermediate sum between 2*s.* 6*d.* and 40*s.*, at the rate of 4*d.* for 40*s.*, are you not?—No; at the rate of 4*d.* for every 20*s.*

75. Then is not that in excess?—No; you will find it explained in the 5th paragraph of clause 2. It is a sum composed of half-crowns, and any number of complete half-crowns comes to complete halfpennys.

76. *Chairman.*] Have you any observations to make upon clause 6 of the Act, which relates to the entry of pawns in the books, and other matters?—We have no particular objection to this clause. It is highly necessary, of course, that a pawnbroker should keep proper books, but it is a little difficult to carry out as it is here set down. It inflicts upon the pawnbroker so many difficulties, that it is impossible to carry it out strictly. The difficulty also of getting from the pledger a correct name and address is one with which we are very much troubled. We cannot ensure correct replies to those questions. We think that it is very unnecessary that we should be obliged to ascertain if the pledger is a lodger or a housekeeper, because it is really no security, as the answer to that question is given just as the

Mr. *A. Hardaker.*

13 June 1870.

pledger thinks proper, the same as with the address. It is a common thing for false addresses to be given.

77. Do you see any objection to your being compelled to take down the name and address in those particulars?—Not at all.

78. Is any other responsibility imposed upon you by the Act than that of asking questions?—No further than that if we do not carry out those particulars, we are still liable to a payment of a penalty of 10*l.*, even if we omit, for instance, the "H" for housekeeper in our book.

79. Is it not very easy to ask a person's name and address, and whether he is a housekeeper or a lodger?—Yes; but it answers no purpose at all, for we have no means of knowing whether the information is correct or not.

80. Do you believe that many of the addresses which are given are false addresses?—I do.

81. Do you think that it is a common thing to give a false name and address?—It is, in most instances.

82. Is that the case where the pledge is honestly made by a person who has not stolen or otherwise improperly obtained the commodity?—Yes, very frequently so; I suppose because the pawnbroker may not know the real name and residence of the pledger.

83. Do you think that people who come to pawn goods wish to conceal their name and address from the pawnbroker?—Yes, in many cases.

84. They do not wish it to be disclosed that they are pawning their things?—That is their reason.

85. Are there any other points on which you wish to give evidence?—We think that the reference to the booking might be simplified very much. It states here that pledges under 5*s.* should be entered in a separate book, and that pledges over 5*s.* and not exceeding 10*s.* should be in another book, and should be entered within four hours after the pledging. That is very unnecessary; in many towns, for instance, it is the custom to book all pledges as they are received.

86. Do you know for what purpose those separate books were to be kept?—I do not; I believe that it is carried out in London, but in the country we use two books; one for all pledges for 10*s.* and under, and another for all pledges above 10*s.*, as required by the Act.

87. Is it your view that one continuous journal would answer all the purpose?—I think two would be sufficient; one for all under 10*s.* and one for all above 10*s.*

88. Why do you make a distinction between pledges above and below 10*s.*?—Because the pledges above 10*s.* have to be sold by auction, and are called in the trade "Auction pledges."

89. Therefore you think that that is the true line of division?—Yes. The whole clause would require, I think, modernising and redrawing; it is very abstruse and curious, and is a very long and complex one.

90. Have you any other observation to make upon this clause?—On the portion requiring pawnbrokers to give a note (which is what is known to us as the duplicate), the same objections apply to the "housekeeper" and "lodger;" and we think that it is necessary, that a pawnbroker should be obliged to place upon the face of his ticket the interest to be charged per month, which is not provided for in the Act. We think that that would be the best preventive of overcharge which could possibly be suggested; but to do that would require a simplified rate of profit with a charge per month. It would be impossible to carry it out now, with the present complicated rates.

91. But would you be prepared, if there were a simple rate of profit, to have stamped on that ticket the rate, so that the person pawning would know exactly what the charge was?—I would.

92. And the same with regard to the charge for warehousing, if you were allowed to make one?—Yes, a fair and proper contract note I should recommend. The latter portion of this clause also relates to the charges to be taken for duplicates. It will be seen that all tickets at that time, under 5*s.*, were to be given gratis; that was altered by the 23 Vict. c. 21, which allowed a pawnbroker to charge a halfpenny for those tickets. That was the result of an agitation got up by the pawnbrokers, some 10 or 12 years ago, with the hope of getting an entire revision of the Act; but it dwindled down, at last, to asking Parliament for what it was thought could be got, and that was the extra halfpenny. However, it has been found now that that does not make the trade a remunerative one, and therefore we are seeking to have an entire revision of the whole Act.

93. What is your idea of the revision of this rate of charge for the duplicate?—It would depend upon the rate of profit. I think that some of the evidence which will be produced before the Committee will go very strongly to show that small pledges, received for a short time, do not pay the working expenses involved; in that case it would be a question whether to increase the ticket fee at the time of receiving the pledge, or whether a satisfactory rate of profit could be devised which would sufficiently pay for the working of those small pledges.

94. Without charging for the ticket?—Yes, in either case; I am not quite sure which would be the best plan.

95. Having regard to the rate of charge which you propose to the Committee, do you propose to make any addition for the duplicate, and if so, what is the addition which you would propose?—I have no proposition to make with regard to the charge for tickets.

96. The rate which you propose is upon the assumption that the charge for the duplicate will be continued as it is, is it not?—Yes, but I think that it is very necessary that a clause like that should be a separate one; it belongs entirely to the rate of profit, and it is mixed up in this very long clause relating to the booking and the duplicate.

97. Have you any further observations to make on clause 6?—I think not.

98. Have you anything to say, with reference to clause 7, which relates to the amount of profits in duplicates endorsed on pledges?—This clause obliges the pawnbroker to endorse the amount of profit which he receives on the ticket upon the delivery of the pledge. It is carried out pretty generally, I believe, in London, but not quite so much in the country, where many small pawnbrokers, who work their own business without assistance, do not endorse the amount of interest. My own opinion is, that it has been inserted with the view of preventing overcharge; but I am quite certain that it has not been of any avail in that respect, because it is of

no

no benefit whatever to the pledger. The pledger cannot see what amount of profit the pawnbroker places upon the duplicate, and it is no proof of how much has been taken.

99. Is it not intended to be a record against the pawnbroker, so that, in case of complaint of overcharge, there shall be no dispute upon the subject?—That is one reason, no doubt, for the clause.

100. If a complaint is made before a magistrate, is not this entry referred to as deciding the amount of charge?—It is; but I have known the endorsement to be different from the amount taken.

101. Is that on account of the people being unable to read, or from what does it arise?—The person who redeems does not see the duplicate again.

102. Has he a right to see it before this endorsement is put on it?—Not unless the pawnbroker is summoned before a magistrate to produce it.

103. Do you not, then, consider that under the clause the person redeeming has a right to see the endorsement made?—I do not think so, by this clause. It is not the custom to show the pledger the amount endorsed. In large houses of business this is carried out very strictly, for the purpose of balancing their accounts each night.

104. Then, according to your view, the pawnbroker makes this entry himself without the other party to the transaction knowing anything at all about it?—Yes.

105. Mr. Serjeant *Simon.*] You stated that it would answer no purpose to have the name or address of the pledger; how would you identify him, if you did not take his name or address?—I am not aware that I said that it answered no purpose. I was referring then to the "housekeeper" and "lodger."

106. I understood you to say, in answer to a question from the Chairman, that it answered no purpose to give the name or address, or to say whether the pledger was a housekeeper or lodger?—Not the name and address; I think it is very desirable, but difficult, to get them.

107. Do you not think that it is necessary to have the name and address as a means of identification?—Certainly; but it does not always answer that purpose, because if a false name is given it is of no use.

108. But then the same false name would have to be given when the person came to redeem the pledge, would it not?—Yes.

109. The pledger produces a duplicate, does he not, when he comes to redeem?—Yes.

110. And upon that duplicate appear the name and address of the pledger, whatever name may have been given, false or real?—Yes.

111. Have you any other means of identification, except that?—None.

112. *Chairman.*] Do you mean that when a person produces a duplicate your are under an obligation to see that it is the same person to whom the duplicate was given?—No; section 15 of the Act states that the person producing the ticket shall be considered the owner.

113. Therefore, you do not hold yourselves responsible to identify, in any way, the person to whom you return the pledge, if he produces the duplicate?—We do not.

114. Mr. Serjeant *Simon.*] But is there no provision in case the duplicate be sold by the pledger; is there any endorsement required upon it to show that he has parted with it?—No.

115. Is the possession by the person producing the duplicate, your warranty for giving up the goods?—Yes; under clause 15.

116. *Chairman.*] Is it the practice to ask the person in any way whether he is the individual named and described in the duplicate, when he produces it?—No; not unless a notice has been given by the original pledger; in that case of course the ticket is stopped, and inquiry is made.

117. Mr. *C. H. Mills.*] You stated that you considered it would be sufficient to keep two books; how many books is it the custom now in London to keep?—Three; you will find that pledges under 5 *s.* are to be kept in one book, under 10 *s.* in another book, and over 10 *s.* in another book, within four hours after the goods being pledged.

118. Therefore there are three books?—Yes.

119. Then I understand that you wish to have with regard to those tickets either an increased rate for the ticket, or else you want to have an increased sale for the pledge?—Yes.

120. Mr. *Hambro.*] I understood you to say that you objected to the present custom under which it is necessary to take a pledger's name and address, and that you thought that was an unnecessary part of the present system?—No; if I conveyed that impression, it was in error, and I did not intend to do so. The "housekeeper" and "lodger," and the number of the house I objected to, and the penalties being imposed when the pawnbroker does not comply with, what appear, unnecessary requirements.

121. You have told the Committee twice I think, that the trade is not a remunerative one; am I correct in that?—Yes.

122. I should very much like to find out whether many pawnbrokers, for instance, become bankrupt, or go through the court?—Not many, as a large capital in cash is necessary before commencing the business.

123. Should you say that the enormous number of pawnbrokers' shops that we see, is a sign that it is a bad business?—Yes, I think it is, but not because of the number of pawnbrokers.

124. Mr. *Charley.*] Do you, as a matter of fact, make entries under the "L" and "H" now?—Yes.

125. Although you are not quite certain whether they are accurate or not?—We are never certain as to whether they are accurate or not.

126. Do I rightly understand you to say that you propose to do away with the amount being endorsed on the duplicate?—I should not recommend doing away with it; but I would recommend that the rate of profit should be placed upon it when issued. Clause 7 is not a sufficient protection to the pledger.

127. I see that you propose in your Bill, that the rate should be written, in the first instance, upon the duplicate?—Yes.

128. Mr. *Morley.*] Would it be easy or difficult to obtain returns of the relative proportion of pledges below 10 *s.* and above 10 *s.*?—You will receive evidence from the witnesses on their own places of business as to that.

129. Will you tell me what your experience is as to the general proportion of the number of the pledges below 10 *s.* and above 10 *s.*?—The proportion of pledges below 10 *s.* is very much in excess

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excess of those above 10 *s.* as a rule. I have tried to get some returns from Liverpool upon that point prior to this inquiry; but I can only make an estimate, and I estimate that the total number of pledges received in Liverpool in one year amounted to something like 9,088,000. Of those, only about 50,454 were for sums above 42 *s.* The number of pledges received for 2 *s.* and under, amounted to 4,500,000 out of the 9,088,000.

130. Can you tell me whether it is true that a very large proportion of those that are of the smaller kind are redeemed?—It is.

131. Is it a much greater proportion than in the larger sums?—Yes, I should say that it was.

132. You certainly conveyed the idea that you would be less particular about taking addresses, and so on; of course you are aware that in your trade, as well as in every trade, there is a class of men that would take advantage of the people if they could?—There could be no advantage gained, if a proper duplicate were issued, bearing the pawnbroker's name and address, the date of the loan, a description of the goods, the amount lent, and the charge to be made for such loan.

133. Is it not right that there should be every possible safeguard that a person going in with property that may not belong to him should be identified as far as it can be done?—Quite so. My opinion was that a clause more simple than this should be drawn, and that such things as "housekeeper" and "lodger" do not assist in any way.

134. Would you not, for the respectability of your trade, try to compel closer attention to the character of the person pawning?—I should, decidedly; I think it is an important particular.

135. You sell all the pledges under 10 *s.* in any way you please, I think?—Yes.

136. That is to say, you can call in a person to buy them *en masse*, or you can divide them, or exhibit them in the window with a price affixed, after a certain period?—Yes.

137. Those above 10 *s.* you are obliged to sell through an auctioneer, are you not?—We are.

138. Who is the auctioneer in that case?—Generally we have special auctioneers.

139. Are they a recognised class of auctioneers, or are they persons specially employed by your trade?—It is a special trade almost, that of a pawnbrokers' auctioneer; for instance, Messrs. Debenham & Storr, of King-street, Covent Garden, are the principal auctioneers; there are several others; Messrs. Johnson & Dymond, in Gracechurch-street. In Liverpool we have some four or five. They have themselves been pawnbrokers, or pawnbrokers' managers, and they know the value of all classes of goods.

140. Have you looked at all at the Irish system of pawnbrokers' auctions?—Yes.

141. Do you think there would be an advantage in the introduction of something of that kind with us, that being a more distinctly public transaction?—It would be more public, but I do not see any advantage in that, because goods sold by auction generally result in a loss, and there could be no advantage to the pawner in that; the large pledges in Ireland are sold, but nothing, I think, under 4 *s.* is sold; I am not clear upon that point. At any rate, Dr. Hancock recommends that nothing less than 4 *s.* should be sold. The expense incurred by auction sales would swallow up any profit which the goods might fetch, supposing them to fetch a profit, and our experience is that they do not. My own experience last year was that I lost 117 *l.* by goods sold by auction.

142. Mr. *Whitwell.*] Is it not necessary to enter the names in the interest of the police?—Yes.

143. Would you recommend that a pledger should be subjected to a fine for giving a wrong name?—That is almost a legal question; I do not know that we have expressed an opinion upon that point. We find generally that the whole of the penal clauses in this Act refer to pawnbrokers, and not to the public in any way. It might have a good effect if a pledger should have some penalty inflicted if he did not answer the questions in a proper way.

144. Mr. Serjeant *Simon.*] The 10th section provides that a person not giving a proper account of himself be liable to punishment, does it not?—Yes.

145. Mr. *Whitwell.*] I think you stated that the pledges under 5 *s.*, on account of the pledgers receiving their tickets gratis, very frequently did not pay the expense of transacting the business?—That portion of the clause has been amended by the 23 Vict. c. 21, which enables the pawnbroker to charge a halfpenny for that ticket.

146. And that halfpenny you say is not sufficient?—It is not sufficient.

147. What would you propose; that it should be provided that your scale of interest be adopted?—If the Irish rate were adopted I should be quite content with the charge for tickets as it is now.

148. With regard to the transfer of the tickets, would there be any advantage in the original pawner endorsing his name on the ticket, and the subsequent holders of the ticket doing the same, till it came into your hands?—I do not think it would be, because it could be done by the purchaser himself, and the pawnbroker would not know whether the signature was genuine or not.

149. Do you think there are many instances in which pawnbrokers accept the pledge, although the party pawning the goods does not accept the ticket?—I do not.

150. Mr. *M. Guest.*] You want to raise the first scale of entries in the book to 10 *s.*, do you not?—Yes.

151. What is the object of doing that?—To simplify the labour.

152. Why would it not be as good at 5 *s.*; do you not get a better article in for 10 *s.*?—I am simply referring to this clause, and saying that it would be more convenient to pawnbrokers to have only two books instead of three books.

153. Then why not begin at 5 *s.*, instead of 10 *s.*?—That is, as it exists now, and the division is proper, because those under 10 *s.* can be sold retail, while those above must be sold by auction.

154. Do you not want a change to 10 *s.*?—No. I contend that the book for pledges of 10 *s.* and under 10 *s.* should be one, and that the book for pledges above 10 *s.* should be another, instead of having another division at 5 *s.* The number of pledges from 5 *s.* to 10 *s.* is limited.

155. Mr. *Charley.*] I think you stated that the practice in town and country is different, and that in the town there are three books, and in the country two?—I believe that is correct.

156. Do pawnbrokers consider they are bound by this section to provide three books?—Yes.

157. It does not seem so from the language of the section; the only difference seems to be with regard

regard to the time at which the entry is to be made; in the one case it is to be made forthwith, and in the other case within four hours; but it seems to be the same book; is not that so?—It is the custom to use three books in London, known as "Low," "Medium," and "Auction," as we call them. The "medium" pledges are those from 5 *s.* to 10 *s.*, the "low" pledges are under 5 *s.*, and the "auctions" above 10 *s.*

158. Mr. *C. H. Mills.*] But that is an arrangement of your own. Surely it is not according to your Act, is it?—I think it is understood that they shall be entered in three books; it is more convenient however, in consequence of the entries being at different times.

159. Mr. *Charley.*] The language of the Act is, "All and every person and persons who, from and after the commencement of this Act, shall take by way of pawn or pledge any goods or chattels whereon shall be lent any sum of money exceeding 5 *s.*, shall forthwith enter or cause to be entered in a book or books to be kept for that purpose, a description of the goods and chattels," and so forth. Then it states, that "in all cases where the money lent on any such goods or chattels shall not exceed the sum of 5 *s.*, such entry shall be made in such book or books by all and every such person and persons so taking the same by way of pawn, pledge, or exchange as aforesaid within four hours." "Such book" evidently means the same book as that in which the sums lent exceeding 5 *s.* are entered. Then the Act states that pledges above 10 *s.* shall be entered in a book separate from all the other pledges?—At any rate the four hours seem to be unnecessary in connection with that.

160. It is not so stringent as the other part of the clause, which says "forthwith"?—"At any time during the same day that the pledge was received," would answer every purpose in my opinion.

161. *Chairman.*] It does not seem to be very clear that you shall have a separate book by the Act of Parliament, but it is the practice, is it?—It is the practice in London, but very little in the country; I have known it to be carried out in the country.

162. Have you any observations to make upon the subsequent clauses of the Act, 9 & 10 Vict.?—Nothing further than that we think that they require simplification and modernising; for instance, in the 8th clause a person unlawfully pawning goods shall be liable to be publicly whipped. We think that all the clauses, up to 15, require amendment and simplification.

163. Have you anything to observe upon clause 16?—Clause 16 relates to delivering a copy of the note or memorandum, when lost, or, as it is known to us, giving a declaration to be signed by a magistrate. It is rather confused, and difficult to carry out, and it does not give any protection to the pawnbroker; he is liable for the goods, even after they have been delivered on that declaration, signed by a magistrate. In some parts of the country an alteration would be very desirable, where the pledger has not the convenience to get the declaration signed at once. In large towns, of course, that is not the case, but in the country towns, where magistrates do not sit daily, it is a very difficult matter to get a declaration signed in time to get the goods, especially if the ticket is lost on a Saturday. Of course, we have no interest whatever in this clause, further than that it should be fairly and properly drawn. The charge for signing declarations in some towns, I know, is excessive; in some towns it is 1 *s.*, whatever the amount lent; but in Liverpool the charge is 2 *d.*; in some towns there is no charge made at all; there is no regulation whatever as to the charge to be made upon signing by the magistrate.

164. Are you not bound to deliver the goods to the right owner, notwithstanding that you deliver them under declaration?—It has been so ruled in several cases before magistrates, where the real owner still held the note.

165. Then you have an interest in seeing that the declaration is proper, have you not?—In that respect we have; we think it ought to absolve the pawnbroker from further liability, provided he has delivered the pledge in pursuance to a declaration signed by a magistrate.

166. If the magistrate makes an order for the delivery of the pledge, you think that the pawnbroker should be absolved from liability?—Certainly he ought. The Act states that, at the request and application of any person or persons who shall represent himself, herself, or themselves as the owner or owners of the goods, the pawnbroker shall be obliged to deliver a copy of the note; therefore they get it signed, and redeem the pledge; and still if the original pledger brings the original ticket the pawnbroker is still liable.

167. You mean that, notwithstanding you have acted under clause 16, still clause 15 would override clause 16, and make you liable?—It has been held to do so, where the note had not been lost, mislaid, or destroyed."

168. Have you any notice given to you when an application is made to a magistrate for a declaration?—The person applying for the declaration goes to the pawnbroker for a copy of the original duplicate taken from the books, which it is the pawnbroker's duty to give. It is a printed form, which all pawnbrokers keep.

169. Can he obtain that on simply informing the pawnbroker that he has lost his ticket?—He must describe the day, the article, the amount lent, and the name it was pledged in.

170. Mr. *T. Hughes.*] Have you a copy of the pawn-tickets?—Yes; I will hand in a copy of the pawn-tickets: pawn-tickets vary very much in different towns, according to custom and fancy.

171. Mr. *Charley.*] What is the difference between the 12th and 13th sections?—The one is, that the pawnbroker is to produce the goods; and the other is, giving the power to police officers to search warehouses for the goods.

172. Mr. *Whitwell.*] Can you refer me to any case where it has been ruled that a pawnbroker, having discharged his liability under a certificate declared before a magistrate, has to repay under the production of the original duplicate?—There was such a case, within only a few months, at Liverpool.

173. Can you give me the case?—Yes.

174. Where was it reported?—It was only in the magistrate's court. It was a gold watch, pledged for 4 *l.*, and the original pledger went to the pawnbroker and stated, "I have lost the ticket of the watch; please put a stop-ticket upon it." That is giving notice in reality. The pawnbroker did so; and some time after that a person came with the ticket and stated that she was the purchaser of the ticket, and that it was not to be given up to anybody but herself. The twelvemonths expired, and the original pledger then presenting herself, demanded a declaration,

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which the pawnbroker, according to this Act, was bound to give. The declaration was given, signed by the magistrate, and the watch redeemed. A few days after that the holder of the ticket applied, and of course the watch had gone, and the pawnbroker could not deliver it to her. A summons was taken out, and the magistrate ordered that the pawnbroker must pay the value of the watch.

175. Mr. *M. Guest.*] Would that be the general rule?—I think so, in most cases. The magistrate thought that the pawnbroker knew that the ticket was in existence; but we are not clear that it was shown to the same assistant that made out the declaration.

176. *Chairman.*] The pawnbroker is responsible for all his assistants, is he not?—No doubt. Upwards of 12 months had expired since the transaction, and it is very difficult to remember so far back.

177. Then the magistrate held, however, that the pawnbroker had not got the benefit of clause 15, because he had been guilty of negligence?—That was so.

178. Mr. *M. Guest.*] If a robbery was committed on your premises, would you be liable for the goods stolen if the tickets were brought to you?—Not if proper care had been taken.

179. *Chairman.*] Do you know of any case where the pawnbroker, no kind of negligence being attributable to him, was held liable to deliver the goods notwithstanding that he had given the pledge over again, under the latter part of clause 16, which provides, that "Whereupon the pawnbroker shall suffer the person or persons proving such property to the satisfaction of such justice as aforesaid, and making such affidavit or affirmation as aforesaid, on leaving the said copy of the said note or memorandum, and the said affidavit or affirmation with the said pawnbroker, to redeem such goods or chattels?" —I believe I am correct in stating that it has been done, but I cannot recall any special case at present.

180. Mr. *Whitwell.*] If you ask the Committee to alter clause 16, I think you will have to cite some instances which will show that it is necessary to alter it?—Probably we may be able to do so.

181. Mr. Serjeant *Simon.*] There is no hardship; there is nothing under either of these clauses to make you accountable for the goods, is there, unless there is negligence?—No.

182. *Chairman.*] Has your attention been called to the latter part of clause 15, which requires that the pawnbroker shall only be indemnified where the real owner has been the person who makes the declaration signed by a magistrate?—Yes; in large towns the magistate never sees the person applying; it is the custom for an official to take them in altogether, 50 or 100 at a time, without any inquiry, and they are signed with the initials; in some cases great inconvenience has arisen by the magistrate's signature having been forged; we think that it ought to be a rule also that at any police office some distinguishing stamp should be used. Very frequently the magistrate only signs his initial across the declaration, and we have no proof, unless we happen to be perfectly acquainted with those initials, whether they are genuine or not; I have known cases where they have been forged.

183. Are we to understand from you, that the magistrates do not hold themselves bound to sign under the clause to authenticate the declaration?—I think so.

184. Have you any observation to make on clause 17?—Yes; this introduces another portion of the subject. The 17th clause defines the time of forfeiture, and states that all goods shall be forfeited within one year from the date of the pledging. This we desire to have shortened, especially with a certain class of goods, such as wearing apparel, and others, which suffer very much, at the present time, by being kept so long as one year. We have asked that the time should be shortened to six months. It is strongly recommended by Dr. Hancock in his report upon the Irish law of pawnbrokers, and he even goes further than we do, by saying that some pledges should be kept no longer than three months; but we think that an uniform term of forfeiture, such as six months, would be much more convenient, and it would be no hardship upon the pledger, because there would be only half the interest to pay to renew that pledge for another six months; it would be a very great advantage to the pawnbroker and in auction pledges also to the pledger, as in that case the goods would fetch very much more after six months than they would after 12 months. I am speaking now of the pledges referred to in the latter portion of this clause which are above 10*s.*, and which are directed to be sold by auction. It will be seen further on in the Act that the pawnbroker is bound to pay the overplus on all those goods if it is applied for. Our experience proves that at the end of 12 months the goods become very much deteriorated. We think that the materials used in the manufacture are probably not of the same quality as they were when this Act was passed in 1800. We suffer very much more from moths than we used to do; and I expect, from the same cause, that deleterions materials are used in the manufacture of goods.

185. Mr. Alderman *Carter.*] Is it not rather the change of fashion?—In a very great measure we suffer from that also. The rapidity of the change of fashion, of course, is very much greater than when the Act was passed.

186. Would you not wish that to apply to pledges below 10*s.*, as well as above 10*s.*?—Yes; for all pledges an uniform period of forfeiture.

187. *Chairman.*] Do we understand you that the Irish Act limits the time to six months?—The time in Ireland for all pledges not exceeding 20 *s.*, is six months, over 20 *s.* and not exceeding 40 *s.*, 9 months, and over that amount, 12 months. Dr. Hancock recommends a shorter period of forfeiture, and that all goods under a certain price should be kept only three months.

188. To what amount does he recommend that pledges should be kept only for three months?—I think Dr. Hancock refers only to 40*s.* In his report he says, that "The periods for which pawnbrokers are required to keep pledges previous to sale, are for a large class of pawn too long. "That a period of three months for loans under 40 *s.*, and six months for all loans above 40*s.* should be fixed as the implied period for which pledges are to be kept, in all cases where no other time was fixed by express contract."

189. Is it your recommendation to the Committee that there should be one uniform term of six months for all pledges?—Yes. We think that different periods would lead to much confusion in the minds of the pledgers.

190. What is your view of clause 19 of the Act?—

Act?—We think that that clause ought to be repealed, because it confers no benefit upon the pledger. It adds to the difficulty of clause 17, by obliging the pawnbroker to keep his goods 15 months instead of 12 months; and our experience shows, and we will prove that while not more than from five to ten per cent. of the ordinary pledges are forfeited in 12 months, no less than 40 per cent. of the pledges which have to be kept the other three months become forfeited; that shows that it is merely putting off the evil day of payment, and that when the time comes, the accumulations of interest are so great that the goods become forfeited.

191. What is the proportion of the whole quantity of goods which are forfeited at the end of 12 months?—It varies from five to ten per cent. Some few years ago it averaged about 4½ per cent.; but of late years it has increased very much.

192. Are all the rest redeemed within the time?—All the rest are redeemed within the time.

193. Then do you receive many notices under this clause?—Not in comparison with the number of pledges received.

194. But with the number about to be forfeited?—Yes.

195. What proportion of them?—I am not prepared to say what proportion, but it is considerable.

196. Colonel *Beresford.*] Are five per cent. of the people who pledge goods aware of that provision as to the three months?—Yes; it is very well known.

197. *Chairman.*] Can you give us an idea of the number of persons whose pledges would be forfeited at the end of 12 months who give notices; is it many or few?—A great many in proportion to the number of pledges absolutely forfeited.

198. Mr. Alderman *Carter.*] It would be about 60 per cent., would it not; you do not know how many are "backed," as you call it, out of the whole number?—No; I have no doubt that some of our witnesses will be able to prove it.

199. Colonel *Beresford.*] Do you propose to reduce the time to six months, and not get the three months additional?—Yes.

200. *Chairman.*] Have those clauses any effect with your dealings as fixing the money which you can advance upon goods?—They have.

201. Would you be able to advance more money upon goods if the time were shorter, and you were not liable to that three months notice? Very much so, more especially with the six months forfeiture, because the goods would be forfeited at a time when they were more saleable. For instance, it is the custom to pledge all winter goods at the end of the winter, that is to say, in March or April, and those goods would become forfeited in the following October or November, just in the beginning of winter when they might be required; whereas if they are not forfeited until the following spring, they are frequently not redeemed, but have to be kept another three months, and then when they become forfeited, they are for sale at the wrong season.

202. Then do you think that it would give greater facilities to the pledger as well as the pawnbroker if this long period were altered?—I do.

203. Something like 80 per cent. of the whole pledges taken in, are redeemed within the first three months?—Yes.

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204. *Chairman.*] Is there much distinction between large and small pledges in regard to redemption, that is to say, are the small pledges chiefly forfeited, or the large ones?—I cannot state the proportion.

205. In a general way what is the tendency?—The number of small pledges taken in is so much greater than that of the high class of pledges, that I could hardly give the proportions.

206. Mr. *Hambro.*] The clause says that when the sales take place, they shall be duly advertized in the newspapers at certain times; is that usually done?—It is done in all large towns, but I cannot answer for small ones.

207. In what papers is it generally advertized?—In the daily papers; in Liverpool generally in the "Mercury" on a Friday.

208. The pawnbroker is obliged to pay the overplus on articles which sell for more than they are pledged for; is that overplus often asked for?—Not very often; and more frequently there is no overplus to pay, if it were applied for.

209. *Chairman.*] In the advertizement do they attend to the direction that the month of the pledge shall be stated?—In the catalogue they do. The advertizement is worded generally that they are pledged prior to such a date.

210. Mr. *Hambro.*] Is the "Pawnbrokers Gazette" published for general information, or is it exclusively confined to the trade?—It is for subscribers, it is not interesting to anyone but the trade.

211. Is it a paper which the public can buy?—I suppose it is; it is 3*d.* a copy; I suppose it can be obtained.

212. I ask the question because I have experienced considerable difficulty in getting it myself?—I do not know about that; the editor is present now.

213. *Chairman.*] The clause states that, "An advertisement giving notice of such sale, and containing the name or names, and place of abode of the pawnbroker or pawnbrokers with whom the said goods or chattels were in pledge, and also the month such goods were received in pawn, is to be inserted on two several days in some public newspaper;" is that inserted in the advertisement?—No, except generally, in this way; that if the goods were to be sold on the 25th June, say by myself, it would run thus: "Alfred Hardaker, 25, Prescott-street, goods pledged on or before the 26th June 1869."

214. That would not be a compliance with the Act, would it?—I do not think it would be possible to carry out all the provisions of section 17.

215. Have you a notice of sale, and also a copy of one of your catalogues?—I have not one at present, but we will furnish copies of them to the Committee.

216. Mr. *Charley.*] Have penalties often been recovered for not inserting those advertisements?—I have never heard of any.

217. Would not the goods be forfeited at a bad season of the year, if they were forfeited at the end of the six months?—No, they would be forfeited just at the right season; because when the goods are done with for a certain season, then is the time they are pledged. For instance, the goods used for winter, such as heavy shawls and over-coats, and that class of thing, are pledged in March or April; and the lighter class of goods are either redeemed, or new ones are purchased. To the pawnbroker those goods are

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forfeited at the beginning of the summer, when he cannot sell them, and he has to keep them 18 months before they are profitable, instead of six months.

218. Colonel *Beresford.*] Do you propose to reduce the time to six months as regards all classes of pledgers?—Yes.

219. Including the working people?—Yes.

220. Are you prepared to assert that that would not be in numberless cases something little short of sheer confiscation of the property?—Confiscation of the property is not known in our trade, because we are always liable for the overplus, above 10*s.*; and all pledges may be renewed.

221. What per-centage of goods remain up to the 12 months?—From 5 to 10 per cent.

222. Mr. Alderman *Carter.*] I think you have said that a very large proportion was redeemed before three months?—Yes, 80 per cent.

223. Mr. *Orr Ewing.*] What is the per-centage redeemed within one month?—I am not prepared to say. It is a very large proportion.

224. Could you ascertain how much it is?—I can ascertain, but I have not it with me at present.

225. What is the per-centage redeemed within one week?—I cannot state that.

226. It is very large?—It is very large in some businesses, in what are called weekly trades, where the goods are pledged on the Monday and redeemed on the Saturday.

227. Can you give the per-centage for three months, two months, one month, and one week?—Yes; I can prepare it.

228. If it be the case that so large a per-centage is redeemed in so short a time, how can you make it out to be so essential that you should be able to sell the property in six months?—Because we think it unnecessary for the very small number left to have them on our hands so long.

229. Mr. Alderman *Carter.*] Is not the principal argument this: that if you keep them for 12 months you have to sell them when they are of little value; that the winter goods you have to sell at the beginning of summer, and the summer goods at the beginning of winter?—Yes.

230. Mr. *Orr Ewing.*] Is it really the case that pledges are made with pawnbrokers according to the seasons in that way; or is not rather according to the necessities of the people, which may arise at any season of the year?—Yes; but at the same time a person pledging as a rule pledges what he can best do without.

231. Sometimes they pledge everything which they have, do they not?—I am not aware of that.

232. Mr. Alderman *Carter.*] Is it not a usual thing for you to have the winter goods at the end of the winter left with you all the summer?—Yes, and *vice versâ.*

233. Colonel *Beresford.*] What do you mean by "fashions;" have you fashionable people coming to you to pledge goods?—Very much more than was the case 15 or 20 years ago; the very poorest people now purchase fashionable and flimsy articles to wear.

234. Then is your judgment, or is the judgment of the people whom you employ about these things, so bad, that you advance more money than they will realize at the end of 12 months?—It is partly owing to the want of judgment amongst the assistants, and partly owing to the keen competition.

235. And you want a good deal more competition under the Bill, I believe?—I am not aware that we want more competition, but we want better paying for what we do, that is our great object.

236. Mr. Alderman *Carter.*] I suppose you would not object to more competition if you were better paid?—If I were able to fight competition fairly and honestly I should not object to any amount of it.

237. Mr. *Orr Ewing.*] Why do you say that you are not able to fight competition fairly and honestly?—Because the man who thinks proper to evade the law can take whatever profit he likes, and if I want to respect it I cannot get a living.

238. *Chairman.*] Do you mean that the law is so stringent that the men who adhere to it cannot get on unless they do as other people do who carry on business without regard to the law?—Yes; I think we shall be able to show you that by the statements of witnesses who will prove the very small per centage of profits which they make on very large capitals.

239. Mr. *Whitwell.*] Is the pawnbroker liable for any deterioration caused by his negligence in the value of the pledges?—If negligence can be proved, but not otherwise.

240. Has any case ever been proved?—I have known a case of robbery where negligence was proved by the pawnbroker having a lock-up shop and not living on the premises.

241. Do you know any case where wearing apparel or furniture having been damaged while in the keeping of a pawnbroker the pledger has received compensation?—Yes, where goods have been broken while in a pawnbroker's custody; in the case of pictures, looking-glasses, and things of that kind I have known compensation awarded to the pledger, because the damage has been held to be caused by carelessness on the part of the pawnbroker or his assistants; but for damage by moth or fire, over which the pawnbroker has no control, he is not liable.

242. Is it not the fact that from the system of storage adopted by the pawnbroker, the goods deteriorate in value the longer they are kept?—They do to some extent.

243. *Chairman.*] Are you satisfied with clause 18, which directs that some goods shall be sold separately from others at particular seasons of the year?—This clause is strictly adhered to, I believe, in London, but in the country it is not carried out. It refers to what may be called "fine art pledges," and they are so very few and rare in country towns, that pawnbrokers sell what few they have, by auction, with the other class of goods as under clause 17.

244. They are not sufficient to make a separate auction, as provided by this Act?—That is so; a country pawnbroker might not have an article of this kind more than twice or three times in the year.

245. Mr. *M. Guest.*] I suppose they are generally over the value of 10*l.*?—No doubt. Then he can sell them as he pleases. In London this class of goods abounds, of course, to a greater extent, such as books, bronzes, statues, busts, carvings in ivory, and so on, and musical and mathematical instruments; country pawnbrokers in many instances know very little about such things as those; but still, if they happen to have an article of that kind forfeited, it must, according to this clause, be sold by auction on a particular day.

246. Mr. *Hambro.*] May it be sent to London to

o be sold, or must it be sold in the country own?—It might be sent to London, I believe.

247. *Chairman.*] I suppose that adds considerably to the expense if they have to send it o London?—Yes.

248. Do you propose that this should be entirely repealed?—I think that there is little necessity for it, and that clause 17 would answer ll purposes, where the goods should be sold by auction, properly placed on view, and advertised.

249. Then you anticipate clause 19; have you any observations to make upon clause 20?—Clause 20 refers to the booking of the goods sold and the payment of overplus; we have no objection to that, except that the time allowed for the application for overplus we think is extreme; it gives a term of three years after the date of the sale, and, consequently, keeps a pawnbroker's books open for all that time.

250. But why should you keep money which does not belong to you six years; six years is the limit by ordinary law within which a person may claim a debt; are those amounts of overplus very numerous?—The whole of the goods sold have to be entered in a book, and kept ready for an application, which can be made at any time within the three years; therefore the account referring to any particular sale is kept open for that time.

251. If it were not for this provision you would be liable under the ordinary law, would you not, for six years?—Yes, I suppose we should; I am merely expressing the opinion of a large number of our trade in some country towns, who think this rather a hardship.

252. If you are bound to keep the books at all, what does it matter whether you keep them one year or three years; you would not destroy them, would you, at the end of the year?—No, but it would define the term of the liability.

253. But the liability is defined at once; immediately after the sale you are liable to pay the person the money, are you not?—Yes, and at any time within three years.

254. The liability is clear and fixed, is it not?—Yes.

255. And the books must necessarily be kept for that period?—Yes.

256. Your liability being fixed, what harm is there in your keeping the books three years?—It is not the keeping of the books, but it is the liability to pay the overplus for so long a period that we object to.

257. But by the ordinary law any person holding money is liable for six years to repay it, is he not?—I believe so, but I am not quite sure how that would be under the Statute of Limitations.

258. Then you have the advantage of a shorter period, have you not?—Yes.

259. Colonel *Beresford.*] Have you found that any of your customers would be glad to have that time reduced?—I do not know.

260. *Chairman.*] Do many people, in point of fact, come to inquire into the account after 12 months after the sale?—It is not general in the country, with the exception of times when perhaps the papers have drawn attention to it, or something of that sort. There was very recently an article in one of the daily papers in London, drawing attention to that fact, which caused a great many applications to be made to the pawnbrokers, but not much to the enrichment of the pledgers.

261. Mr. Serjeant *Simon.*] Does any considerable portion of the profit of a pawnbroking business arise from the unclaimed overplusses?—No, nor upon the sale at all.

262. Have you any record showing what proportion of overplusses accrue in the course of a year?—Yes; the next witness will produce his book.

263. Will he be able to show the proportion of unclaimed overplusses?—Yes, and the exact price of every article.

264. *Chairman.*] Have you any observation to make as to clause 21?—As to the second portion of it, with regard to pledges being taken from children, it has been varied. In the Act it is 12 years of age; in London and Liverpool by local Acts it has been made "apparently under" 16, which I perfectly agree with, but in manufacturing towns it would be considered a great hardship if it was made 16 years, because I have heard that it is the custom, in Glasgow, for instance, that children are sent by their parents while they themselves are engaged at the factories. I have no evidence to offer upon that point beyond the experience of different witnesses from different parts of the country. For myself I am quite satisfied with the 16 years, and I believe the whole of the London trade are also; the latter portion of the section referring to the times at which pledges shall be received, has been amended, and the time has been fixed in the winter from eight o'clock in the morning to seven in the evening, and in the summer months from seven in the morning to eight in the evening; that has been found to work rather unsatisfactorily, because it is influenced by local customs and local circumstances. In Manchester, for instance, it is the custom to open at a very early hour on a Monday morning; I believe as early as six o'clock, but it is also their custom to close at six every evening in the week, with the exception of Saturdays, and on Fridays at one o'clock in the afternoon for a-half holiday; all that of course is contrary to the Act of Parliament.

265. Do you think that there ought to be any liberty to alter those periods, or should they still be regulated by Act of Parliament?—I think myself that it is a matter that might be left entirely to be regulated by the requirements of certain localities. I see no reason why the hours at which business should be done, should be regulated for pawnbrokers more than for any other trade; I can understand that at the time when this Act was passed, probably the pawnbrokers were a different class of men from what they are now, and it might have been intended as a preventive and protection against receiving stolen property, but I am quite sure that such a thing cannot apply now.

266. Then would you have no limit at all, so that a pawnbroker might keep open till 12 o'clock?—As I have instanced in Manchester, they are not likely to do so. In Liverpool our hour is seven all the year round; the customs are different in different towns.

267. Mr. *Whitwell.*] Would you make it permissive to town councils to regulate the time for opening and closing, making pawnbrokers for all other things subject to the general law?—I think it is a subject which might safely be left open entirely; I do not think that pawnbrokers could abuse a matter of this kind; it is a freedom which is extended to every other trade with the exception of pawnbrokers, and I am quite convinced,

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convinced, from my own experience, that there is no occasion to limit the hours at all.

268. Mr. *Orr Ewing.*] If a pawnbroker thought proper to keep his business open all night, you think the authorities should have no power of preventing it?—I do not think it likely that he would require to do so.

269. But if he did require it, what then?—I can see no harm which can arise from that unless a pawnbroker was going to do an illegal trade.

270. You have already stated, have you not, that some members of the profession do not obey the law at present?—Yes.

271. May not those very same parties abuse the law if they are not restricted?—I do not think so; this is a matter of convenience more than gain, or they might now exceed the hours allowed by law, which they do not: indeed the hours are generally shorter than required by this section.

272. *Chairman.*] Does the early closing give any facility to giving notices by the police to the pawnbrokers of robberies?—The notices are generally delivered the first thing on the following morning.

273. Is there not a facility given by the pawnbrokers, all having closed comparatively early the evening before?—I do not think so.

274. Supposing that they were closed at 11 or 12 o'clock at night, the notices next morning would be of little use, would they not?—Probably so, if pawnbrokers did largely receive stolen goods; but it is the custom now to keep open till 11 o'clock on Saturday night, and I am not aware that it produces any ill effects.

275. Mr. *M. Guest.*] Do you mean for taking pledges in, or for getting pledges out?—Both taking pledges out and pledging.

276. I suppose the object of the Act was that pledges might be redeemed on a Saturday night at 11 o'clock?—No doubt.

277. Mr. *Charley.*] Are prosecutions, under this section of the Act, frequent?—I never knew any to arise.

278. Mr. Alderman *Carter.*] Do you see any reason to alter the age, from 16 to 12, in Liverpool?—Not at all; I should not recommend it.

279. Would you recommend that 16 should be the age for other towns?—Personally I should, but I do not know how it might affect certain towns.

280. Mr. *Charley.*] It is 16 in the Metropolitan Police Districts, and in the City of London, is it not?—Yes, it is.

281. *Chairman.*] Have you any objection to offer to the 22nd clause?—No further than that I think that it is not of much use at present, because a detailed table of the rate of profit cannot be placed in view.

282. Are there any other clauses in this Act to which you wish to call the attention of the Committee?—I think not. There is nothing that I am at all interested in. The other matters are more for the consideration of legal gentlemen.

283. Mr. *Orr Ewing.*] Does the law which regulates pawnbroking apply to Scotland?—Yes.

284. You are not obliged to keep a record of property upon which you advance above 10*l.*, are you?—No; that is not pawnbroking.

285. Colonel *Beresford.*] You say that the 22nd clause is not complied with, do you not?—It is not complied with, so far as the country is concerned; but when it is complied with, it is of no use; because the rate which is generally shown is the rate consisting in the 10 sections of clause 2, giving the rate to be paid, on equal half-crowns.

286. *Chairman.*] You would be bound to affix your notice exactly in accordance with clause 2 of the Act, which nobody would be able to understand?—Yes; if it was carried out in the fractions. I think the placing of the rate of interest upon the tickets when issued would be a very much better means than this of preventing overcharge, as I have before stated.

287. Have you anything to observe upon the subsequent Acts which have been passed beyond what you have already stated?—I have not.

288. Do all pawnbrokers transact business independently of the Acts of Parliament, by advancing money on goods beyond 10*l.*?—Pawnbrokers of large capital do.

289. Do they all, as a rule, transact business beyond the Pawnbrokers' Acts?—Only those who possess a large capital, which enables them to do so.

290. Is that a numerous class?—In London it is a numerous class, but in the country it is not so numerous. Pawnbrokers have smaller capital generally in the country towns.

291. Do you yourself transact business beyond 10*l.*?—Yes.

292. Are you there perfectly free to do just as you please?—Yes, as to the time to which the pledge may be kept, and the charge which I please to make.

293. Do you transact business then as an ordinary person, lending money on goods?—I do.

294. Is any difficulty experienced in transacting that business, from the want of an Act of Parliament?—None whatever; and it is done under special agreement, properly signed and stamped.

295. Does the agreement prescribe all the conditions of redemption, sale, and so forth?—It does.

296. Have you the form of agreement which you use?—I have not got the form of the one which I use myself, but I have two forms which have been sent to me by a printer, because I happened to require some, and he sent me these to select a pattern from (*producing Papers*). We can get copies of the London agreements from most of the gentlemen who will give evidence.

297. Mr. *Whitwell.*] Do you approve of these agreements which you have produced?—I scarcely do; I should make some alteration in them.

298. Colonel *Beresford.*] Have you any objection to state what may be the average interest you charge in that way on sums over 10*l.*?—About 20 per cent.; or 10 per cent., if they get to a large amount.

299. *Chairman.*] You have spoken a good deal about the business of a pawnbroker being unprofitable; do you mean that the business taken as a whole is unprofitable, or that particular parts of the business under particular sections of the Act are unprofitable?—The whole of the business done under the Act of Parliament we refer to as being unprofitable. The greater portion of it is the class known as "low pledges," and the pledges which are redeemed within the shortest time, and by which we are supposed to make the most money.

300. Do you consider that that is unprofitable?—Yes.

301. Then what is the part of the business which is sufficiently profitable to compensate for the

the unprofitable part of it, so as to make it worth conducting as a whole?—The great profit arises from a pawnbroker's sale stock, which is not confined to forfeited pledges. Mr. Dicker will be able to show you that while on his sale stock he makes something like 28 per cent. gross, it is reduced to about 6 per cent. on his pawnbroking capital.

302. Do you mean that he conducts an independent business?—Yes; in plate, jewellery, watches, and fancy goods.

303. Do many pawnbrokers supplement their regular pawnbroking business by dealing with several commodities?—Yes, it is the custom.

304. When you speak of the business as not being profitable, what do you consider is the rate of profit which would be a profitable return?—We think that something like the Irish rate would repay us.

305. But do you mean that you carry on your business absolutely at a loss, or that you do not obtain such a per-centage of profit as a man of business ought to obtain?—Not absolutely at a loss, but a very small per-centage.

306. Can you give the Committee any idea of the net return on the capital employed?—I am not prepared with any figures of my own, but other witnesses will be able to show it, as they have been going over their books for a very long period.

307. Speaking for yourself, do you consider that the pawnbroking business which you carry on does not yield you a large profit?—A very small profit on the capital employed and the labour required.

308. Have you to make good many losses from receiving pledges that are stolen property, or otherwise, that you have to return?—No; very few.

309. Is that generally the case in your district?—Yes.

310. Is it your view, that if you had those reliefs for which you have asked, and ordinary freedom of contract, you would be able to conduct the business at a profit?—We think so.

311. Do you think that these extra claims which you would be entitled to make would be such as to diminish the disposition of people to pledge goods?—That I cannot say; it might be so.

312. Might it not decrease your business, in consequence of the higher charge?—Probably it might.

313. Do you think that at present the rate is such as to encourage or discourage the pledging of goods?—I do not think the rate has any influence upon that whatever.

314. Do you mean that people pledge entirely according to the emergencies of their position, without regard to what they pay?—Yes; we have frequently cases where larger profits are offered to us if we will take certain classes of goods which we cannot take; and frequently larger profits are offered if we will make larger advances on goods on a sudden emergency. There are cases where a doctor is called in suddenly, and a fee has to be paid, probably a guinea. The articles may be worth only 15*s.* to lend upon, and we have frequently offers of larger profit if we will lend a guinea; but we cannot do that, because the Act of Parliament prevents us.

315. Do you think that pawnbrokers would be disposed to adhere more closely to the value of the goods, if they had the rates which you propose?—I think so; I think competition would regulate that.

316. You think it would be a great advantage to persons pledging?—Yes. There is a class of low pledges which pawnbrokers cannot take, or will not take, because of the small remuneration, and the people go to what are called "leaving shops" or "dolly shops" in England, and "wee pawns" in Scotland.

317. In your district, are there many of those "leaving-shops"?—I have heard so from the police, but I am not aware of them. They carry on their business of course very secretly, being unlicensed.

318. Do you think that they are resorted to to any great extent?—I do.

319. Do you think that those people would come to pawnbrokers, if they could be dealt with under the alterations that you propose?—I do.

320. Mr. *Ridley.*] Should you say that it is the general rule of the trade that pawnbrokers have other business to rely upon besides pawnbroking business proper?—Not to rely upon. The pawnbrokers' profits are helped by the sale trade.

321. Do pawnbrokers confine themselves to that trade pure and simple, or is the greater part of the business done by men who supplement their business by ordinary trade?—By men who supplement their business by sale shops in large towns, where the sales can be done.

322. Colonel *Beresford.*] Is there any single case in which the minimum interest which you get is less than 20 per cent. per annum under 10*s.*?—Yes, all pledges redeemed within one month only pay one-twelfth of 20 per cent. per annum.

323. In the case of those articles which are pledged with you every week in the year, taking a sixpenny article, what does that cost in the course of the year?—The labour required to take in that pledge is more than the profit which accrues from the pledge.

324. I suppose that you have hundreds and thousands of cases of sixpenny articles pawned every week in the year, taking the country throughout?—No; it is exceptional.

325. It comes to between 2*s.* and 3*s.* in the year for 6*d.*, does it not?—That is the exception.

326. Do not men pawn the same thing every Monday, as sure as the week comes round, and take it out on the Saturday?—They do; but if you take the profit upon the transaction it is not excessive, considering the labour there is to do.

327. Mr. *M. Guest.*] But you get 100 per cent. upon it, do you not?—It is not a per centage at all; it is only very bad pay for so much work done.

328. Colonel *Beresford.*] It might be on one transaction; but when you have a great number of transactions the profits must be enormous?—No; the larger the number of transactions the larger must be the staff to work it; the small pledges are no profit at all.

329. Then why do you take them in?—To keep our assistans employed, and to keep capital employed; besides, we can never say how long a pledge may remain.

329.* And yet you complain of the labour?—Very properly so.

330. Mr. Alderman *Carter.*] Do you charge anything for the ticket for 6*d.*?—Not generally; it is the custom in the trade not to charge for tickets under 1*s.*, though we are empowered by the Act to do so.

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331. If you did not charge anything for the ticket, what would you receive for a sixpenny pledge if it was taken out, say, in the course of the week?—One halfpenny.

332. For that you would have to take in the goods, value them, make out the ticket of the duplicates, and then attend to the customer when he came back?—Yes; and warehouse the pledge in the meantime.

333. Mr. *Orr Ewing.*] You keep a day-book, do you not, and that day-book goes on for years?—The day-book does not last for years.

334. Could you provide the Committee with statistics of your business, say for 1869, giving the amount of pledges that you had of 6*d.*, and up to 10*s.*, and all those above 10*s.*?—Yes, it could be done, but it would require a great deal of time to dissect all the pledges as to amounts; I think that in some of the evidence which we have now to submit, the books produced will show the proportion; we have pledge-books in the room now which can be produced.

335. You have stated that your business is not very profitable, but you have not stated what you consider a remunerative per-centage, and we shall not be able, except by ascertaining the extent of your business, to see whether you have a right to complain that it is not profitable?—I have not prepared any statistics with regard to my own business, because, being the secretary to the Pawnbrokers' Reform Association, I have had the whole of the preparation of the evidence in connection with this Committee; I have been engaged upon it for some weeks now, and I am doing the work as honorary secretary. We have no Parliamentary agents employed at all. I have prepared no statistics of my own, but the gentlemen who will give evidence after me have their figures prepared, and have their statistics ready to be produced.

336. Perhaps you would give the Committee the statistics of the trade (which would not be so invidious to you), stating how long each pledge had remained in the possession of the pawnbroker, and the amount of money that has been received since from those poor people?—I do not think that it can be ascertained how much money had been received on particular pledges, or from one particular pledge.

337. But you have averages, as to the per-centage, that are redeemed at the end of three months; and I think that if you have so much information you might make up that table (which would be very interesting) as to the average amount lent upon every pledge?—We shall show the averages by the next witness; his average is 6*s.* 11*d.*

338. I am afraid that we may have a case which is most favourable to the pawnbroking interest, and I think it would be much more satisfactory to the Committee if it were more general?—We have no desire to hide anything from the Committee; we shall place everything at their disposal that we can possibly obtain; but I do not think it is possible to get the average of the amount lent by every pawnbroker in the kingdom. I do not think the pawnbrokers would send me the returns necessary to tabulate it.

339. Have you not the books?—I have not.

340. Could you not get returns from each?—That would be the only course.

341. If they have nothing to conceal, would they object to it?—I do not think so; they might not object to send them to somebody independent of the trade; but they might object to sending them to me, because pawnbrokers are very chary of allowing other members of the trade to know exactly what they are doing.

342. Has not their secretary their confidence?—I rather think he has in public matters, but not so far as to know all they make.

343. If you endeavour to get it, and they refuse it, we can draw our conclusions from that?—If you will be kind enough to waive that until one or two other witnesses have been examined, I think you may change your opinions with regard to it. I do not think that I should get any returns which would be sufficiently reliable. In the first place I cannot get at all the pawnbrokers in Great Britain.

344. Could you do it for Liverpool?—Yes, I could try.

345. *Chairman.*] What information do you think they would be able or disposed to give, judging from your own experience?—It would take a great deal of time to get the number of pledges received, and the amount lent upon each; the books for the whole year would have to be gone through carefully.

346. Could they give us a classified return of pledges under 10*s.* and above 10*s.*?—Yes, that I could get, I think.

347. And the number in the year, and the total amount lent within the year?—Yes.

348. Could they give us the amount received under the halfpenny provision, and the amount received for interest?—Yes; you will find when you have examined the other witnesses that the ticket fees really amount to a very small portion of the profit after all.

349. Mr. Serjeant *Simon.*] What is the name of the association of which you are secretary?—The Liverpool Pawnbrokers' Association; and also the Pawnbrokers' Reform Association, which is for the whole of Great Britain.

350. Are you representing both those associations here?—Yes.

351. What are the objects of the Liverpool Pawnbrokers' Association?—They are to defend its members in actions of trover, or actions of that kind, which may be instituted against them on doubtful points of law, but in no case arising from an evasion of the law.

352. Are they not in a position to furnish the information for which we are now inquiring?—We have no power to make them do so.

353. What is the nature of the Reform Association?—It is simply to obtain an alteration in the Act of Parliament.

354. I take it that before they come to Parliament for an alteration in the law, they are fully informed of the grounds upon which they are doing so, and are fully prepared to furnish those grounds to the Committee; will they not be able to furnish this information for which the honourable Member on my right has been inquiring?—The whole of the pawnbrokers may not require the change.

355. But are not the association in possession of that information upon which they are proposing an alteration of the law, and have come to Parliament for an Act?—Not with regard to the statistics of each person's trade.

356. What information can they furnish, if not that?—The evidence of witnesses who are coming forward with information respecting their businesses, and the whole particulars of their businesses, and we can multiply that evidence.

357. You have given a great deal of evidence to-day

to-day showing the objections to the working of this Act, which almost appear on the face of the Act itself. It requires very little business experience to see certain objections, at least, which you have pointed out. Is not the Pawnbrokers' Reform Association in a position to show generally, without reference to the Act, the disadvantages of which you complain?—Yes, I think we are.

358. Could it not give us the statistics which the honourable Member has been inquiring about?—We have never applied for them, and we have not them at hand now. We have sought for statistics, but they have not been replied to sufficiently for us to place any reliance upon them.

359. *Chairman.*] I understand that the Reform Association is a general association representing the pawnbrokers in all parts of the kingdom?—Yes.

360. Mr. Serjeant *Simon.*] Are you not furnished with statistics from the various pawnbrokers over the country who are members of this association?—No, I am not.

361. Do you not get returns from them as to the operations which they carry on in business?—We have endeavoured to do so.

362. How do you ascertain the grounds of their complaint with regard to their general business?—From their expressed opinions that they are dissatisfied with the working of the Act, and from my own knowledge that it is generally evaded in all towns.

363. But with regard to the smallness of the profits, and the unremunerativeness of the business generally, how did you get that information?—Simply by their having told us so.

364. Upon a general statement?—Upon a general statement.

365. You say that upon the whole business it is unremunerative, but that there are particular parts which are more remunerative than others; how did you get that information as to those particular parts?—From those witnesses who have sent us their evidence, and who are prepared to come and give it here.

366. You have no documentary evidence or statements from the pawnbrokers in different parts, have you?—I have not; I have some statistics which were got together some ten years ago with relation to this business; I do not know whether they would furnish what the honourable Member requires; it is made as to the number of pledges taken in, and the time they have remained in pledge.

367. Have you any means of showing in some tabular form the various sources of profit in the different branches of your business?—Not collectively; the different witnesses could show that.

368. *Chairman.*] Do you think you could get this information for the Committee: the number, and the total value of pledges under 10*s.*, and the same over 10*s.*, the receipts for fees on tickets, the receipts for interest, the profit and loss on the sale of unredeemed pledges, rent and expenses of establishment, and capital employed?—Yes; I think so.

369. Colonel *Beresford.*] Do you keep a set of books?—Yes.

370. Do you balance your books every year?—Yes.

371. That is a rule I suppose in the trade generally, is it not?—Yes.

372. Then of course the complaint which you make, that you do not make sufficient profit, is arrived at by your balance of profit and loss for the year?—Yes.

373. Mr. *Whitwell.*] The honourable Member for Leeds asked you some questions as to those pledges upon which the sum of 6*d.* was advanced, and you endeavoured to show that there was no profit upon that, but a loss; that is to say, that the article taken in has to be ticketed, and placed where it is easily accessible, and entered so as to be brought back again when reclaimed, even at the end of a week. Supposing that a sixpenny advance does not pay, what is the least advance for a weekly re-pledging that would pay?—A pledge that would pay the working expenses, I think, is generally a pledge of 5*s.*; that is the first that begins to pay a pawnbroker.

374. Upon which you would get, how much?—Three halfpence.

375. And you think that no article will pay unless it renders to you the sum of 1½*d.* for service rendered?—Yes, and not in all businesses that amount; because in some businesses the cost of working is much heavier than in others, where the rents and expenses are heavier.

376. Then if a business consisted wholly of goods, which only paid 1½*d.* each pledge, would it pay as a whole?—It would not.

377. Would it pay if you raised that amount to 2*d.*?—It would in some districts.

378. Supposing that a thousand articles were pledged every week on a particular day, what staff would have to be kept up to receive, register, docket, put on shelf, and restore them?—It would require some six or seven hands.

379. Would those be low-priced hands?—There would be a manager, or "First," as he is called, who would receive a good salary, and a "Second," and a "Third," and the rest would be boys.

380. Taking the ordinary class of shops in a large town, what would be the number of pledges of that low character, paying ½*d.*, 1*d.*, and 1½*d.*, that would be received and pledged on Monday, which is the day on which most pledges are received in the week?—I believe from 800 to 1,000.

381. Mr. *Orr Ewing.*] Does your unremunerative business arise from your small pledges?—Yes, chiefly, except where losses occur on the sales of forfeits.

382. Would you have any objection that the amount should be limited to 2*s.* 6*d.*, below which you should not advance at all?—Personally, I should not.

383. Do you think the trade would object to it?—Yes, and I think the public would.

384. Have you pledged many blankets?—I do not receive many.

385. That is not your line of business, I suppose?—No.

386. Do you pledge bed-clothing?—Nothing but what is perfectly clean.

387. You do not pledge what has been worn?—Nothing.

388. You are, perhaps, in the highest class of the business?—No; my stock is about 5,000*l.*

389. What is the nature of the articles that you take in?—Medium; my pledges would average probably from 5*s.* to 6*s.* each.

390. Do you deal much with the working classes?—Yes; the working classes are the class that pledge under 30*s.* or 40*s.*

391. But you never take bed-clothing?—Yes; but I have not much of it.

392. Do

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392. Do you take blamkets?—Yes; when they are clean or new.

393. I suppose that in many towns in England, as well as in Scotland, the number of blankets pledged is something enormous, is it not?—No; I do not think that, taking the position of average working men, they have many blankets to pledge.

394. There are a great many working men who have got them, are there not?—Not in larger quantities than any other articles of clothing.

395. The working classes are very numerous, and therefore one or two blankets pledged for each would be a good many. Would you be surprised if there were 30,000 pairs of blankets pledged in Glasgow?—I should be very much surprised.

396. Do you think that bed-clothing and body clothing should be allowed to be pledged at all?—I do not see that we have any right to object to any security offered if it is the person's own.

397. However much evil effect it may have upon their bodily comfort or health?—We cannot tell that; if it is abused at all, of course we cannot help it.

398. Do you not think that it is the duty of the law to interfere in such a case for the protection of the working classes?—I do not think that any law can make the working classes better than they please to be themselves; I am quite positive that any law attempting to repress pledging under 2*s.* 6*d.* would not have any such effect; it would lead them to be taken to the beerhouses and to the dolly-shops.

399. Mr. *M. Guest.*] Beerhouses cannot take them by Act of Parliament, can they?—No: but it is well known that a portion of the unlicensed trade is done at those places.

400. Mr. *Orr Ewing.*] Have you any idea how this money is used that is given for these small pledges?—I know, in my own place, which is within a few doors of a baker's shop, that the money paid out of my shop on a Monday goes, to a very large extent, into his till. We require silver again in change for gold, because we require a good deal of small money; and I get the same money back again, and I know it because it is always floury. The baker says it comes back daily by half-crowns and shillings, as it is paid out of my own shop.

401. When are wages generally paid in Liverpool?—I think, on a Friday night.

402. Then, perhaps, the money for the wages had gone in the way I was indicating, and they come to you to get the money for bread?—The wages are generally disbursed in clothing necessary for Sunday wear; that is, some portions, perhaps, paid to the pawnbroker. The pledge is brought back again on the Monday, and then the money is laid out again for the requirements of the week; to pay the rent, and to buy the necessary flour and bread for the week.

403. The money for the wages is taken to redeem the pledges at the pawnbroker?—Yes; with the exception, of course, of what is required for the Sunday's food, and other necessaries.

404. And it is used on Sunday, and then brought back to you and pledged again?—That is constantly done.

405. Do you think that that is a very wholesome state of matters in the country?—I see no objection to it, if the clothing is of sufficient quality to be taken.

406. Even at the risk of moths eating up the clothes?—That is of course for them to look after; the pawnbroker takes every care he can.

407. Mr. Serjeant *Simon.*] In what part of the town of Liverpool do you carry on your business?—In Prescot-street, a continuation of London-road, above Moss-street; it is getting out of the town.

408. It is not Victoria-street?—No.

409. Mr. *T. Hughes.*] It appears to me that your theory leads to this, that it would be better for the Legislature to do nothing at all about pawnbroking; but that if it does, you wish this Act to be amended in the way you have stated?—I think it would be better that the Legislature should re-model and make the business more remunerative to pawnbrokers to take in a lower class of goods, and keep them out of unlicensed shops.

410. I inferred that you thought that no protection whatever should be given to the pledger, and that that would be right?—That is, so far as freedom of contract is concerned.

411. Your position is, if you thought you could get it, that there should be perfect freedom?—Yes; I believe in that principle applied to all trades.

412. But as you cannot get perfect freedom, you have named to the Committee the changes which you wish in that direction?—Certainly.

413. Colonel *Beresford.*] You mentioned "leaving shops" just now; how is it that they come to get any business; do they charge less than you do?—No, very much more; but it is the only way in which people can realise on a class of security which a pawnbroker will not take.

414. What is the probability that you will get any of that business, if you charge more than you do now?—It does not pay us now to take that class of pledges.

415. Still, you will not get that class of pledges then, will you?—We shall try for it, if it is made remunerative; an article taken to a leaving-shop is, as it were, sold at a certain price for instance, 1*s.* (that is the pretence of doing business), and it is redeemed at the week's end for 1*s.* 6*d.* A pawnbroker would have to keep that article 36 days for a halfpenny; therefore if it is a bulky article, and requires much attention, he refuses it.

416. You stated, in answer to an honourable Member, that a sixpenny article ought to pay, a minimum, 1½*d.* every time it was pledged; are you aware that that comes to 1,300 per cent. a year?—That may be, but it is not a question which has anything to do with per-centage.

417. Of course the 1½*d.* includes the price of the ticket?—Yes; and then it does not pay for the labour bestowed upon it; it is not a per centage upon money at all.

418. You want the law made so as to shut out those people coming to you at all, then, do you?—Unless we can get a rate that will pay us to do the trade; if they did not agree to pay the rate of course the pawnbrokers would not lend money on the articles.

419. Mr. Alderman *Carter.*] What proportion of your pledges consist of wearing apparel?—A large portion.

420. More than 50 per cent.?—I do not suppose it does consist of more than that in mine but it would be more in some businesses.

421. But as a rule, would 50 per cent. be wearing apparel?—I should think it would.

422. S

422. So that if persons were prohibited from pledging wearing apparel it would knock off one-half of the business of pawnbroking?—Yes, and more.

423. Mr. *Hambro.*] Do you think that the facilities for obtaining money afforded by the pawnbroking system lead to improvidence and drunkenness among the working classes?—I do not think so.

424. *Chairman.*] Do you know whether in Liverpool it is the practice to deposit things with publicans or beershop keepers to obtain beer?—I have heard so from the police.

425. Mr. Serjeant *Simon.*] You do not carry on your business in a part of the town where there is a large labouring population, do you?—No, I do not.

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Mr. JOHN DICKER, called in; and Examined.

426. *Chairman.*] ARE you a Pawnbroker?—I am.

427. Have you been long engaged in that business?—I have been engaged in the business the whole of my life. I am the son of a pawnbroker, and at a very early age I was put to the business, and I have been a master pawnbroker for about 29 years in London.

428. Are you connected generally with the trade by any occupation?—I am treasurer of the Metropolitan United Pawnbrokers Protection Society, which numbers amongst its members many of the more wealthy and influential of the pawnbroking trade.

429. That has given you a considerable knowledge of the trade, I presume?—It has.

430. What houses of business have you in London?—I have four houses of business; one at Poplar, one at Limehouse, one in Commercial-road East, and another at Clerkenwell.

431. Do you manage any of those houses yourself?—I have the general supervision of them all, but I am assisted by two sons whom I have in the business.

432. Are your sons in charge of the houses?—I have a manager at each house; I have one house managed by a man who has been in the employ of our family for nearly 50 years; I have another who has been in my own employ for 26 years, and another for 17 years.

433. What is the general character of the business conducted in those houses?—They are ordinary working businesses, in which every branch of the trade is represented; the "auction," the "medium," and the "low" trade; the "auction" pledges being those above 10 *s.*, and which if unredeemed have to be sold by auction; the "medium" pledges, those from 5 *s.* to 10 *s.*, and the "low" pledges under 5 *s.*

434. Have you a large capital invested in those houses?—I have the statistics connected with one house, and I find that in that house I have 14,000 *l.* employed, and it is not the largest house that I have.

435. Have you experienced much inconvenience, or any inconvenience, in the conduct of your business, from the stringent state of the law relating to pawnbrokers?—I am most interested in getting the rate of profit altered. My evidence goes principally in that direction; for I think that an Act of Parliament like this, which fixes one rate for all transactions, would be easily understood in any trade, whatever the trade might be, to be both inconvenient and clumsy. A law which ties us to one rate of profit, regardless of the varied risk or trouble involved, must be a bad one, and must work inconveniently. One reason why I desire to get the law altered is because the rate of profit was laid down 70 years ago. Seventy years ago the expenses connected with the pawnbroking business were entirely different from what they are now. When I first came into the business, my father's houses were managed almost entirely by apprentices, but expenses connected with the staff are now very much increased. In addition to that, one's rent and every other thing is altered; and either the profit must have been excessive at the time when the law was adopted, or else the business having grown in one direction, whilst being tied in the other, must have worked unfairly to the trader. Another reason is, that I find that this Act of Parliament leads to evasion; and I have learned that very much more since I have been engaged in this attempt to obtain a reform in pawnbroking. I think that a law is a very bad one indeed which is very generally evaded, or to a very large extent evaded, and I find that to be the case as regards this law. Then I am of opinion that a law in such respects must be very demoralising, if the assistants and the men who are employed in the business have to part with their integrity in order to serve a master. You see that there is an arbitrary standard fixed in the pawnbroking business. It is not like any other man's profit. A pawnbroker can tell whether he goes wrong or not; the law says he may take a penny, and a man who takes a penny farthing, in my opinion, does a social harm; and I am influenced very much by that feeling in trying to get the law altered.

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436. Do you disapprove then altogether of the attempt to regulate the profit of the pawnbroker by Statute, or do you think that the mode of regulating it is bad?—I consider that the mode of regulating it is bad; and I feel that the conclusion to which this Committee will come, whatever may be their opinion to start with, is that it will be necessary to allow freedom of contract when a man wants money, and a pawnbroker has money to lend. I think that the rate of profit must be altered and made higher, for the reason that at the present time it does not pay on a large number of transactions; so many as, I am sure, will astonish the Committee. The business does not pay. It is very well to speak of the per-centages; but if one transaction does not pay, multiplying it will not make it pay. I have the whole of my books here, and I make the offer to the Committee to submit them to an accountant, if they think proper, and I am willing to be sworn as to every fact in them.

437. When you speak of having freedom of contract, do you mean that there should be no rate at all fixed by law, or that there should be a rate which should be adopted unless parties contracted to the contrary?—I think that there should be a rate for the sake of convenience, because whatever freedom of contract you may allow, the great bulk of the transactions will be carried on upon some recognised standard. If the law did not set up a standard, the pawnbrokers very soon would do. There would not

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be any bargaining about the loan as a rule; time is of as much consequence to the pawners as the interest they pay; and a man would want to get a loan in the readiest manner possible. Bargaining over every transaction is a thing which was never contemplated by anybody who has any part in this attempt at reform.

438. Then is it your view that there should be a simple and convenient rate of charge, which should be binding in every contract, unless the parties made a special contract for themselves?—Yes. I am of opinion that the Irish rate, suggested by Mr. Hardaker, is the best, and that the form of contract should be such as to insure the *bona fides* of it, so that there should be no mere pretence of carrying out a special contract; but that it should be done in a prescribed manner, and not without the signature of the person making the contract.

439. But you think it desirable that the pawnbroker and the person pledging should have the liberty of making any special contract they please, if they choose to do so?—In every instance, if it seemed to their advantage; but my experience tells me that it would not be resorted to, save in the most exceptional cases

440. But you object to a law which compels both parties, being perfectly intelligent people, to deal in a particular way and no other, under a penalty if they deal other?—I do; and speaking not more as a pawnbroker than as one of the public, I am sure that such restrictions as exist, if continued, will produce only harm to the public. The rates, though they were no doubt laid down, in the first instance, to protect the public, are liable to produce just the harm which grew up under the Usury Laws.

441. Then are you of opinion that the Usury Laws having been repealed, as regards the rest of the community, there is no reason why they should not be entirely repealed as regards pawnbrokers?—That is my opinion; I may say that 10 years ago I was in favour of this freedom of contract, and I am sure that it is the only thing that will not lead to an evasion, and that will not do injury by shutting out trade which the public have a right to have done for them.

442. Then you would have a public rate which would take effect whenever there was no special contract?—Whenever there was no special contract.

443. You were going to give us an account of the character of the business; will you now proceed to do so?—In the first place, with regard to the statement that I have laid before the Committee, a pawnbroker's accounts are as simple and as easy to understand as any accounts which possibly can be brought before a Committee. It is the custom of the pawnbroker, at the end of his day's business, to balance the whole of the day's transactions, and he can do this with the same accuracy as a banker can, with the exception that if mistakes are made over the counter there is a discrepancy in the accounts; but those mistakes are not numerous, and, in my experience, they are always against the pawnbroker; he debits his account, in the first instance, with the cash which he leaves off with the night before.

444. It is verified by the cash in the till?—Yes; after which the item met with is the principal sum received during the day; the next item is the interest on that, and the interest on those transactions can be shown by the production of tickets if desired, endorsed, except as to those redeemed within one month. As there is only one month's interest to record on that, it is not thought necessary to endorse it, but of course the balance will show that the correct amount is taken; the following item to that is ticket fees; the next is the cost of sale which forms part of nearly every pawnbroker's business, and lastly the profit on the sale. On the other side the items are the money lent, any goods bought during the day, and the expenses, being the sums of money paid out, while the final item is the cash which he has remaining after the business of the day. Those accounts are kept on a most uniform system I think by the pawnbrokers of London with whom I am most acquainted. The daily balance is then carried into a monthly book, and at the end of the 12 months those accounts are totalled up, and stock is taken. In these books I find the whole of the stock-taking accounts connected with the house upon which I am giving evidence; my anxiety is, that the whole thing shall be laid before the Committee for them to form their own conclusions upon it; I have some accounts of which I have prepared several copies.

445. Will you now give us some statement of the amount of business carried on in the house of which you have spoken?—Yes. (*Handing in Statements.*)

446. Do I understand that in this shop you buy goods as well as advance upon them?—The goods which are bought in the shop over the counter form a very small item indeed; I prohibit it because of the risk. If a thing by any chance is bought over the counter, although numerous questions would be asked of the person selling, and it happened to be stolen, the difference in value as represented by the person losing it, and what it is really worth in the trade, is so great, that it probably brings a pawnbroker under censure by the magistrates in a very unfair way.

447. Do you confine yourself almost entirely to advancing?—I do; I do a tolerable sale trade for the end of the town where my houses are situated, and the goods we buy are considerable in amount, but they are bought from wholesale houses, and from Messrs. Debenham and Storr's, and other auction rooms. Statement A is divided into sections. The first section shows (and I have my private ledger, which I shall be glad to submit to the Committee) the amount of the capital invested; the pledged stock is the first item, and that is 8,919 *l.* The value of the lease is 800 *l.*, we having laid out about 1,400 *l.* or 1,500 *l.* upon the house. Then there is the premium on stock, which may be supposed to be capitalised interest. If one pawnbroker takes the business of another, he has, in addition to paying for the stock, to give a consideration for the interest due on pledges upstairs; therefore, when buying the stock of another, he has to pay something more than the sum lent, because the man who sells the business has been lying out of his interest.

448. The accrued interest on pledges, over and above that which the pawnbroker receives at the time of taking the pledge?—That is so.

449. Mr. *T. Hughes.*] And that is charged as capital, by the custom of the trade?—Yes. The next item is the cash; you see that it varies in the two statements. In one it is 573 *l.* and in the next it is rather more than 1,000 *l.* That is the cash which it is necessary to put into the till, to have ready to put into the till if it is wanted. The amount of sale stock is 3,034 *l.* 14 *s.* 5 *d.*

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450. Mr. Serjeant *Simon.*] Is that forfeited pledges?—To a very small extent, it is forfeited pledges; but it is that part of the stock into which forfeited pledges go; they do not, however, materially affect the profit upon the sale.

451. *Chairman.*] Is that the stock which you bought to sell again?—In the year to which I am now referring we bought over 3,600*l.* by that means, while the unredeemed pledges are something like 1,800*l.* or 1,900*l.* As regards the unredeemed pledges sold by public auction, on these, amounting to upwards of 900, a loss of 26*l.* resulted.

452. Mr. *Whitwell.*] At what time of the year is the balance sheet made?—My stock-taking is in May, and this is from the 13th of May 1864 to the 12th of May 1865. I chose it as being the most profitable year I could lay before the Committee. The next statement refers to the last year I had experienced at the time I drew it up, but I have had a stock-taking since then.

453. Colonel *Beresford.*] Do Statements A, B, and C represent three of your houses?—No; Statements A and B represent one house, Statement C refers to another house entirely; not my house at all. The gross capital employed at my house at this date was 14,217*l.* 6*s.* It is an amateur account; but if one of the results elicited will be to show that I ought to make more money by it, I shall be pleased. Section 2 shows, in the first place, the profit that was derived from interest that year, which amounted to 1,406*l.* 15*s.* 1*d.*, while in ticket fees we received 193*l.* 2*s.* 5*d.* The earnings of sales were 1,144*l.* 17*s.* That is from the sale trade; but I put it in here that I may show the whole of the profits first, and you will find them dissected afterwards.

454. Mr. *C. H. Mills.*] Is that the profit on the 3,000*l.*?—That is the profit on the 3,000*l.*

455. Mr. Serjeant *Simon.*] But the sale is not confined to pledges sold, is it?—No; nearly the whole of it is the selling of goods which did not come to me as unredeemed pledges. The gross sum earned in both departments is 2,744*l.* 14*s.* 6*d.*; and as to the expenses, those expenses are actual items, not any one of them being estimated. Those sums are the actual totals at the end of the year. This book has the daily items in it, and they are cut up under certain headings, and at the end of the year they are added up. The gross expenses are 1,393*l.* 13*s.* 9*d.*

456. Mr. *T. Hughes.*] Some of those expenses seem very high; for instance, is not the painting and repairs a large sum?—It is a larger sum than it was last year.

457. Did it average that?—It would in this particular house, because the premises were very old fashioned premises, and we have laid out altogether between 1,400*l.* and 1,500*l.*, and I have not had the place years yet.

458. *Chairman.*] Then, including depreciation of capital, by what you call valuing the lease, it would not be so much?—We have laid out a great deal on this house, but it was necessary, and I do not think it has increased the value of the rent, because of the depreciation of property in the neighbourhood. We paid, I think, 300*l.* for the lease in the first instance, which was a very short one, and we have obtained a renewal of it since. This happened to be a partnership account, and this is the item which we have agreed to value the lease at, at any time.

459. Mr. *Whitwell.*] What are the losses of 179*l.* 12*s.* 7*d.* with the item of 26*l.* 6*s.* by sales?—The 26*l.* 6*s.* is the loss which was occasioned by the auction sales. There are other losses included in that, such as arose from the sale of jewellery and things of that sort, which are not of of a kind to put into the stock, but which are sold to refiners or dealers who buy such articles; for instance, old fashioned watches, or similar goods.

460. Then were those losses on pledges?—Those were losses on pledges.

461. Mr. *T. Hughes.*] The expenses are enormous, I see, for the keep and wages being upwards of 600*l.*?—They are the actual sums paid by me. This house is managed by a man who has been in our employ for nearly 50 years; he is not paid too large a salary. The salaries are carried out weekly in this book, and they amount in the total to that; there can be no disguise whatever about that.

462. But do you assert that on a turnover of that kind it costs 600*l.* a-year, to pawnbrokers in general, to get their business done?—I can show that it is so. The question is this: whether a man trading with 14,000*l.* ought not to find employment to as large an amount as that; I hold an opinion that the obligation rests upon a man to give reasonable employment; but I think it will be found that the general result in similar cases will be that a man who employs a capital of 14,000*l.* will employ labour to a larger amount than 600*l.* That is my average in the different houses, and it is an average which I see, in some few instances, where I have the opportunity of going into particulars. But these figures are actual items, and I thought it as well to put it in that way.

463. May we fairly argue from these, as averages?—Yes. One result, which I have attempted to show by this, is the ultimate cost of a pledge; and I find that the cost of a pledge does not vary very much under ordinary circumstances.

464. Mr. *Whitwell.*] Do you charge anything for partnership?—No, not the slightest amount.

465. Your head manager has how much?—He has 2*l.* a-week, which is 104*l.* a-year, and his wife and family live in the house; I have a married "second," I have a married foreman, in the sale shop, and four or five other hands besides that, and a servant; there are seven and a servant.

466. *Chairman.*] Then the result of all this is that the charges, without any remuneration to yourself, amount to 1,293*l.* 13*s.* 9*d.*, leaving a net earning of 1,451*l.* 0*s.* 9*d.*?—Yes.

467. Now, do you wish to give some evidence to show the profit and loss of the pawnbroking business, separate from the sale department?—The next section shows the pawnbroking department excusively; the items will be seen to be carried down from above, and they give an amount of 11,182*l.* 11*s.* 7*d.*

468. Mr. *C. H. Mills.*] How do you come to have the lease of your premises only on the pawnbroking department?—For this reason: nearly the whole of the two houses are taken up by the pawnbroking warehouses; we have a second shop, but you will see that I have charged a proper proportion of the expenses to the sales. It is shown very fairly, I think, that I have only charged upon the pawnbroking capital the proper items and the correct amount of expenses

469. There is nothing charged for the premises to the sale department, is there?—No. My predecessor

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decessor carried on no sale there, but still he occupied both the houses.

470. But you could not carry on that sale business unless you had the house, could you?—If I thought there would be any suggestion of the kind, I would have adopted it. It would not have affected the result to any appreciable extent if I had reduced that sum by 400 *l.*, and charged half to each. After deducting three-fourths of the expenses, and having reference to the capital employed in the two departments, it leaves a net profit on the pawnbroking of 629 *l.* 12 *s.* 3 *d.*, the net earnings being 5·940 per cent.

471. Mr. *Whitwell.*] I quite agree with the honourable Member opposite, that you have made half of your profits by sales, and you have charged the sale with no rent; should you not have charged the rent?—I have charged the proportion of the expenses in section 4; these expenses include rent.

472. But there is no interest on the premises?—I have charged one-fourth of the rental to the sale shop, although more than three-fourths of the houses are taken up by the pawnbroking stock.

473. *Chairman.*] What you mean to convey, I suppose, is that the extent of the premises which are required to keep a large number of pledges is much greater than the extent of the premises which are required for the purchase and sale of goods?—There is simply a shop devoted to the sale.

474. You do not want any warehouse-room for the sale of goods, but they are all contained in the shop, I suppose?—No; they are all contained in the shop. The rest of the house is stocked and filled with pledges.

475. According to this account, then, it would seem that the earnings on the pledges yield only 5·64 per cent., and the earnings upon the sales yield 27 per cent.; is that so?—Yes. The object of that is to show, that if we had no restrictions as to capital, we should have no difficulty in making the business pay the same as other trades; but in that part where I am restricted as to the rate of profit, a result is shown the parallel of which I do not believe that you can meet with in any other trade. I do not think that any other business could be instanced where 11,000 *l.* was invested and produced a smaller net result than 629 *l.*

476. Mr. *C. H. Mills.*] You charge your expenses according to the capital employed, do you not?—Yes, I thought that was the fairest way to put it. I may state that the interest and the charges allowed by the Act of Parliament are in every instance scrupulously carried out, and, therefore, this is a statement of what a pawnbroker's business of such an amount will produce, without any evasion, or any unfair or improper practices, which, as I have said before, we find are carried on to a very considerable extent in some places. Of course there are numbers of the London trade, and numbers in the country no doubt, who are just as scrupulous as myself, but still I am aware of the fact that a large number of the trade seek to supplement their profit by some illegal means.

477. In the latter part of your statement you give the number of pledges which you took within the year as being 69,656, do you not?—That is the number of pledges, and the amount lent, that shows the average of the pledges to be 6 *s.* 11 *d.*

478. Mr. Alderman *Carter.*] But that is much above the general average, is it not?—I do not know; but I dare say that, as compared with the country, it would be higher.

479. What is the total sum advanced?—The total sum advanced is 23,954 *l.* 7 *s.* 2 *d.*

480. According to your view of the cost of a single pledge you make it 3¼ *d.*, do you not?—In this instance the pledges cost 3¼ *d.*

481. Assuming them to be 6 *s.* 11 *d.* on an average?—Yes; and the statement just above that will show that the expenses amount to 4 per cent. on the gross amount lent.

482. Mr. *C. H. Mills.*] Where do you get the gross earnings from?—They are exhibited in section 2, and they are taken from the book made up at the stock-taking, which shows the total interest to be 1,406 *l.* 15 *s.* 1 *d.*, and the ticket fees 193 *l.* 2 *s.* 5 *d.* I have been anxious to point out to the Committee the amount of ticket fees. The number of pledges was nearly 70,000, and that Act of Parliament giving the additional half-penny, scarcely affects me at all in a business of this kind. There are businesses where they do very low pledges, where they get, of course, a corresponding number of half-pence, but all above 5 *s.* we were allowed to charge a ticket fee for before; and in a business of this kind it really affects my profits to a very small extent in deed.

483. Mr. *R. Arkwright.*] Do you believe that you would only make 5½ per cent. in an ordinary business?—That is all that I make; I have no doubt that the deductions will be subjected to close scrutiny, and the per-centages will be shown to be correctly put down there.

Thursday, 16*th June* 1870.

MEMBERS PRESENT:

Mr. Ayrton.
Mr. Alderman Carter.
Mr. Charley.
Mr. Crum-Ewing.
Mr. Montagu Guest.
Mr. Thomas Hughes.
Mr. Charles Henry Mills.
Mr. Plimsoll.
Mr. Serjeant Simon.
Mr. Whitwell.

THE RIGHT HON. ACTON SMEE AYRTON, IN THE CHAIR.

Mr. JOHN DICKER, re-called; and further Examined.

484. *Chairman.*] HAVE you any further statement which you wish to make to the Committee?—I do not know whether I made it sufficiently clear to the Committee that only a small part of the profit derived from the sales was derived from the sale of unredeemed pledges.

485. In allocating the expenses to the sale of the sale-stock as compared with the expenses of the pawnbroking business, what sort of establishment would you require to do the business of the sale-stock shown in the return which you have placed before the Committee?—If the premises were not suited to it I should have had to take a separate place for it; but most pawnbrokers have the accommodation which they require at their house or next door to it, as I have in this instance.

486. What shopmen or establishment would you require to carry on the sale business?—I do what is considered rather a large sale in this kind of property, and I have two assistants there, one a salesman and another quite a junior hand to assist him.

487. Is that sufficient for the sale business?—Quite so.

488. Is the rest of the establishment devoted to the pawnbroking business?—Entirely; and, in fact, the junior hand at the sale business does some duties connected with the pawnbroking.

489. Then do you think that the allocation of 323 *l.* expenses for the sale business would be sufficient to carry it on if it were a separate business?—Quite so; I think it is fully stated, with regard to the business of this house.

490. Do you know what is the recognised rate of profit in London on retail sales, in that sort of sale business, on each transaction?—I have endeavoured to ascertain what it is in the other trades, but I find that it is very variable indeed. In the business of a wholesale grocer, as to which I have some information, I found that in a small business the profit was 40 per cent. upon the capital.

491. The capital is turned more or less frequently in different businesses; what is the general profit or difference between the buying and the selling price of goods in this sort of sale business?—I have not an opportunity of knowing.

492. Do you know at all what is the general rate of profit in trades in London?—I have heard from a person who is connected with the shipping, for instance, that in the case of work done for the Government, if they are not contract prices, the Government in such instances allow 15 per cent., where the cost of manufacturing and getting up the article is clearly shown.

493. That is not retail business?—It is not. With regard to the retail trade, I have very little opportunity of knowing.

494. Will you describe the nature of Statement B.?—It will be seen that the statement is one of another year's business of the same house as was referred to in Statement A. It will not be necessary for me to go into it very minutely, but it will be seen that the net profit upon the pawnbroking capital that particular year is rather over six per cent., while in the former case it is under six per cent.; that will be seen from section 3.

495. I see that the figures in this statement vary very much from the figures in the former statement; how is that explained?—As regards the item of wages of the year, which I first showed, there was a great deal of sale done; and for the buying of goods, and so on, I had employed a hand, so that it was rather more expensive that year; but the other salaries remained just the same. The item of repairs, you see, is less; but I stated in my evidence the other day, that as regards this particular house, it was not more than an average, or not much more.

496. Mr. *C. H. Mills.*] Is this another year of the same business?—This is my last stock-taking year in this house; the other year is selected simply because it was one of the most prosperous years that I have had.

497. *Chairman.*] Will you now proceed to Statement C; is that a statement of the transactions of a different house?—This is a house where they do what would be called in the trade a "running" business; it is a very laborious kind of business; perhaps on a Monday they take in double the number of pledges that I do. I am anxious to call the attention of the Committee to the fact that the expenses here are estimated; for the reason that it is a house where the personal expenditure enters into the accounts; but I have taken as much care as possible to estimate the working expenses rightly. As to the wages of officials, and so on, I have taken the actual figures. The actual payment for the wages of officials is 355 *l.*

498. Mr. *C. H. Mills.*] How do you account

Mr. *J. Dicker.*

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for the keep of officials being in this case 260 *l.*, and their wages 355 *l.*, while in the other cases their keep cost 182 *l.* and 171 *l.* respectively, and their wages were 437 *l.* and 332 *l.* respectively?—It is the wages of 10 persons, including two servants, and it is put down at 10 *s.* per week, which is a sum very frequently allowed in pawnbrokers' houses.

499. *Chairman.*] When you speak of this being a "running" business, do you mean a business in which the pledges are brought and taken away very frequently?—Yes, a large weekly trade.

500. Mr. *M. Guest.*] What is the item of "Goods for house, 28 *l.*"?—That is an estimated item. They are such things as are necessary for the working of the house: for instance, table cloths, knives and forks, and a variety of things are wanted to supply a house of business. I put that down because I have such a heading in my expense book, which I brought here and showed the other day.

501. Mr. *C. H. Mills.*] Is this a house that does no sale business?—It does no sale business; anything made by the sales is more than swept away by the losses.

502. Mr. *Whitwell.*] I think that if a calculation which I have made on this table be correct, 781 *l.* of profit, divided by the number of pledges will yield 1 ½ *d.* for each pledge; have you gone into that?—According to this statement one month's interest on the average pledge of 4 *s.* 3 *d.* (the average amount of the pledge in that case is 4 *s.* 3 *d.*) would be a penny and the ticket fee would be a halfpenny; and it would show a loss of about three farthings upon those pledges which are redeemed within one month.

503. But my question was this, if 781 *l.* be the gross profit in the year, and the number of pledges during the year be 134,500, will not the average profit be 1 ½ *d.*?—I have not gone into that calculation; it must be somewhere near that.

504. Mr. *T. Hughes.*] Will you tell me how you calculate your cost of each pledge?—It is possible that we may be in fault in that, because we have done the work as amateurs; we have taken the gross expenses and divided them by the 134,505 pledges taken in; this gives an average cost per pledge of 2 ¼ *d.* We have here shown, too, what per-centage the profit yields to the capital. In addition, the per-centage is given of gross profit and expenses on the 28,608 *l.* money lent; the gross earnings being, in round figures, seven per cent., the expenses four, leaving as net profit not quite three; the net profit is two and seven-tenths per cent., after deducting the expenses for that. I, perhaps, do not quite understand the honourable Member's question.

505. I do not quite understand your answer; the average cost of each pledge you stated to be 2 ¼ *d.*; if that be the proper average cost of each pledge, you bring out a loss of three-farthings on every pledge, do you not?—We took the gross amount of the expenses, and then divided it by 134,505, showing what it would give to each pledge, and we have dealt with the profits just in the same way. So many pledges come into the house in the course of the year, costing, on an average, 2 ¼ *d.*

506. Then each of them must bear a certain proportion of the expenses?—Yes; it is not mathematically correct, but it is as near as we could get it to show what a pledge would cost us.

507. *Chairman.*] You mean that a pledge for the amount of 4 *s.* 3 *d.* for one month, is not a paying transaction?—Clearly; and I shall be able to show that by the next stage of this evidence.

508. Mr. *T. Hughes.*] Cannot you give us the calculation for the month's interest for a pledge which remains in for the average time during which your pledges remain?—I think that can be given more clearly by other witnesses, who have gone into the matter more carefully. I will show you the result of one Saturday night's business presently. We shall have tables, I think, which we shall be able to put in, which will give food for consideration.

509. Is your heaviest business on Saturday?—The heaviest business is on Saturday. The statement which I now produce shows 375 *l.* as the capital taken on Saturday, and 14 *l.* 6 *s.* 4 *d.* as the interest on that day.

510. But does it not appear that there is only 44 *l.* advanced on Saturday?—Yes; but you will find that those two columns increase in an inverse ratio. In this house there is a large trade of that kind done in pledges taken out on Saturday and brought back on Monday; there were 1,900 pledges delivered on this Saturday night, the 7th of May.

511. *Chairman.*] Have you a statement of the transactions of that Saturday night which will explain the working of the system?—I have some particulars connected with this Saturday night's business.

512. Mr. *T. Hughes.*] I do not see any charges of fractions for interest; a previous witness has told us that you calculated sometimes 2-16ths of a penny, and so on: how do you explain that?—Of course the fractions go on accumulating till they come to a farthing.

513. The pledge is always redeemed by payment of a round sum; how do you arrange that?—The interest for a three-shilling pledge for one month is ¾ *d.*, for two months it is 1 ½ *d.*; the ¾ *d.* in the first instance being rather over the rate of 20 per cent. A three-shilling pledge, for the first month is ¾ *d.*, for the second month it is 1 ½ *d.*, adding a halfpenny; for the third month it is 2 *d.*, adding on three-farthings; for the fourth month it is 2 ½ *d.*; for the fifth month it is 3 ¾ *d.*, and so on; and the way in which it is arrived at is this: three farthings is the correct amount for the first month; but if you want to ascertain what is the right amount for five months and a-half, five times three is 15, and the half of 3 *s.* is 1 *s.* 6 *d.*, that is 16 *s.* 6 *d.*, on which amount you take one month's interest; that method calculates for the fractions, which can only be arrived at in that way; of course, there are no fractions with regard to the 2 *s.* 6 *d.*, nor yet with regard to the 1 *s.* 3 *d.*; 2 *s.* 6 *d.* has ½ *d.*, 3 *s.* 9 *d.* has ¾ *d.*; but between those sums there are fractions, and you have to arrive at what it is by multiplying the sum in the way I have suggested; for instance, in the case of seven months on 8 *s.*, seven times eight is 56, and that is 11 ½ *d.*, one month's interest on 56 *s.* The public have no idea of doing that, but pawnbrokers do it in almost every transaction, where men choose to abide by it, which I have always believed to be the case in the larger number of instances, although I am sure that it is evaded to a very large extent, now that I have been engaged in this inquiry.

514. Mr. *C. H. Mills.*] Do you often find that people themselves have made the calculations?—I think

I think a great many of the people do so, with regard to the even sums; but I should think as to the fractional sums, a very small per-centage indeed of the customers, even among the most intelligent do it. I met, the other day, with the case of a country pawnbroker, who was not himself able to calculate the interest. I put an intricate problem to him, and he could not work it out.

515. Mr. *M. Guest.*] He charged a little more probably, so as to be on the right side?—No doubt that is done.

516. Mr. *T. Hughes.*] I see that the tickets are not marked with the interest on both sides?—They are marked at the time of redemption.

517. But surely that seems to me to be the wrong time; ought they not to be marked at the time the article is pledged?—That also would be a proper regulation, but I should hope that endorsement at the time of delivering the pledge would never be done away with, because after all it is some little guarantee or record of what is taken. If a man made a false indorsement, which I am told is sometimes the case, then, of course, the man does two wrongs; he first of all cheats the person, and he commits a second wrong in making an improper indorsement. But I should adopt it, if the law did not compel me to do so, and it is necessary to us, because those are all so many vouchers for the money we have received during the day, and they are what is called cashed at night for the purpose of balancing our accounts.

518. *Chairman.*] If the Irish system were adopted, there would be no difficulty, would there, in indorsing the interest on the tickets when delivered?—Not at all, it would be a known sum; for instance, if it were 6*s.* you would indorse upon it that the pledge was at the rate of 1½*d.* per month.

519. Which you cannot do now, because it varies from month to month?—It varies from month to month on a large number of pledges.

520. Mr. *Charley.*] I see that your last item is for wages of officials; I suppose that they all require to have a knowledge of accounts?—It is not so much a knowledge of accounts that they require as experience in the valuation of goods; and they must be persons of integrity, because we have no system of cashiers as they have in the drapery business, the business is not of such magnitude as to require it; and those men have to be better paid, because they have the handling of money, than possibly they would be paid for the same kind of work in another shop.

521. Do you pay them in proportion to their intelligence?—Of course a man, who knows his business well, will always get a much higher salary than a man who knows it indifferently, and that has reference always to his knowledge of the value of goods.

522. *Chairman.*] Have you come to the conclusion, from an examination of those transactions on Saturday evenings, that they do not yield any profit when redeemed within a short period?—That is so. The paper which I have produced gives particulars of transactions at one pawnbroker's on May the 7th, one Saturday. The figures do not quite tally, I see, but I think that by drawing it out in the way we have done, we have not done it perhaps as accurately as in the pawnbroker's accounts. It is a very small discrepancy. There were 1,899 pledges delivered, of which 1,553 were delivered that had not been in more than one month. The 1,553 were delivered, not having been in pledge more than one month, leaving 346 for the other parts of the year. The principal sum was 304*l.* 17*s.* 4*d.* on the 1553, and on the smaller number of 346 it was 72*l.* 8*s.* 2*d.* The interest received on the 1,553 was 5*l.* 18*s.* 8½*d.*, and on the other 8*l.* 6*s.* 2½*d.*, making a total of 14*l.* 4*s.* 11*d.*, or 14*l.* 6*s.* 4,*d.* as I have it here. The object of this paper was to show, first, the average amount of money lent on the 1,553 pledges; this was 3*s.* 11*d.* each. The interest and ticket fee would be rather more than 1¼*d.*, and I have put it down at 1½*d.* Each pledge of 3*s.* 11*d.* for interest and ticket fee gave 1½*d.*; and Statement C. shows that the pledges cost this pawnbroker 2¼*d.* each; so that on those 1,553 pledges, instead of their being a profit there was an actual loss. Whether it is satisfactory to the Committee, or not, I do not know. It is not mathematically correct, because it is perhaps unfair to charge the smallest pledge with the same percentage of expenses as a larger one.

523. Mr. *T. Hughes.*] Are you sure that the principle upon which you have gone is a correct one?—A pawnbroker is only capable of taking a certain number of pledges in the course of the year, and it requires a certain staff to do it. If we divide the gross expenses over the whole number of pledges, then I think that is as fair a way as you can adopt to see what the pledge costs.

524. Mr. *C. H. Mills.*] You divide the amount by the number of pledges?—We divide the amount by the number of pledges in order to say what is the probable cost of a pledge before the Committee. As I say, it is not strictly correct, because a low-priced pledge ought, perhaps, not to be charged at the same rate of expenses as a higher priced pledge; but those pledges, when delivered within the month, result in a loss to the pawnbroker rather than a profit. I have here, on a piece of paper, a copy of every one of the tickets which I have produced; this paper is 58 feet long, and the object of it is to show how large a number of the transactions are the transactions on which but one month's interest can be taken; and is merely to show the large number of transactions of this nature which occur in one Saturday's business.

525. Mr. *Crum-Ewing.*] Does this list include both what you take in and what you give out?—This is a list of the pledges redeemed only and delivered on one Saturday, the 7th of May, out of the house by the pawnbroker, the number being 1,899. This latter part of the paper contains all the tickets for pledges which have been in longer than one month; I thought it would convey to the Committee how large a proportion of the transactions were over and worked out within a month.

526. Mr. *T. Hughes.*] Do you consider that an average Saturday?—On one Saturday night since this, there have been delivered over 2,000 pledges. This kind of business, it is quite evident to me, is very unprofitable; but still it is a business over which a man has not much control, because, although all those transactions which have gone in and out in a month have been unprofitabte, if they had remained in two or three months they would have been profitable.

527. Mr. *C. H. Mills.*] The pawnbroker must take it in I presume, because he does not know how long it is going to stay?—That is so.

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528. Mr. *Whitwell.*] I think I observe that in almost every instance here, ½ *d.* has been received for a ticket?—Both items are set out. In the first column there is the principal sum, in the next there is the ticket fee, in the third there is the interest, and in the fourth the total.

529. Mr. *T. Hughes.*] I see that in one case there is no interest at all, how is that?—I suppose the ticket fee is not charged in that instance. It is the custom in many houses for those very small amounts not to charge the ticket fee.

530. *Chairman.*] This being the state of affairs in regard to the smaller pledges for a short time, what arrangement do you think would be reasonable and equitable to enable the pawnbroker to make a profit on those transactions?—What I am prepared to recommend in the course of my evidence, is that the Irish rate should be adopted, but that there should be freedom of contract to alter that in any cases in which it seemed necessary to the pawnbroker, and where it is agreed to by the pawner. Then, with regard to the ticket fee, I scarcely know how that should be dealt with, whether the ticket fee should be altered from its present amount or not. That is a question upon which I have not sufficiently made up my mind; it is quite clear that even with the Irish rate a large number of the transactions would continue to be unprofitable to the pawnbroker; I believe that the Dutch system is that they have a commission at the time of pawning; but that will be gone into more fully by a witness who is more competent to speak upon it than myself. My idea is, that it should be the Irish rate of interest, and that there should be freedom of contract allowed.

531. What you object to is, that you are compelled to do business at what you consider a loss, or not to do it at all?—Just so.

532. Mr. *T. Hughes.*] But if you propose to have perfect liberty of contract in the trade, do you propose any further limitations as to the persons who are to be permitted to go into it, or would you leave it perfectly free for any person to go into it?—Personally I should be in favour of a higher license. Any protection which could be brought to bear in order that the business might be conducted in an honourable manner should, I think, have consideration; but as to whether it should be a higher license, or in what way it should be done, I am not sure as to what is the general opinion of the trade.

533. Mr. Alderman *Carter.*] Then are you in favour of freedom in one direction, but not in another?—I am merely instancing the way, if it is thought necessary to have any such guarantee; I do not know how it should be obtained in any other form; I am not particularly in favour of that.

534. *Chairman.*] What would you consider would be a minimum charge, which would be profitable on small transactions?—In my own house they cost me 3 *d.*, and in this other house they cost 2 ¼ *d.*; but I imagine that if there was a higher rate of interest it would not be insisted upon that all those transactions should be made profitable the first month.

535. For instance, a cabman is entitled to 1 *s.* as a minimum charge, because it represents what may be called the loss incident to the first hiring; upon the same principle, what would be the minimum charge which you would consider yourself entitled to make to prevent your being drawn into an unprofitable business?—In my case, in order to avoid that it should be 3 *d.*; but the question is whether any system could be laid down that whatever is charged at the time of pledging should cover the first two or three months' interest.

536. Yours are really theoretic figures, and you have admitted that they are not an accurate representation of the facts, because something more is due to a large transaction than to a small one in the ordinary way of business. What do you consider would be a fair minimum charge, modifying your theoretic figure by the considerations of what is due to small transactions and to large transactions, to prevent your doing business at a loss?—I should be content, I think, with such a sum as would be obtained by the Irish rate.

537. What is the minimum charge under the Irish rate?—It is a halfpenny for 2 *s.*, instead of a halfpenny for 2 *s.* 6 *d.*, so that in the intermediate sums it would give a larger amount of profit; in the 1 *l.* pledge it would only make a difference of 5 per cent., instead of being 4 *d.* in the 1 *l.* it would be 5 *d.* in the 1 *l.*

538. The minimum charge would be a 1 *d.*, a halfpenny for interest, and a halfpenny for the ticket, would it not?—Yes, as it is now.

539. Then what change would that be?—The employment of the money under that scale would make the capital much more profitable.

540. Now there is no charge below a 1 *d.*, is there?—There is no charge below a 1 *d.* now.

541. Then the Irish rate would make the lowest charge a 1 *d.* too, would it not?—Yes; I am not sure whether the ticket money should not be altered; I have not sufficiently made up my mind upon that; I am afraid to argue that, because I fear that it would not be palatable to the general body of the trade.

542. Mr. *T. Hughes.*] By the Irish rate the moment you get over 2 *s.*, you jump up to a 1 *d.*, do you not?—Yes.

543. *Chairman.*] Do you not jump up by a 1 *d.*, because the minimum charge is already a 1 *d.*, and then you go to 2 *d.*?—There is a halfpenny paid for the ticket now; then the interest for one month for 2 *s.* 6 *d.* is a halfpenny.

544. Then the minimum charge is a 1 *d.*?—The minimum charge is a 1 *d.*

545. Supposing that you go to a transaction above 2 *s.* 6 *d.*, what is the minimum charge then?—For 2 *s.* 6 *d.* it would be a 1 *d.*, and the ticket a halfpenny, which would be 1 ½ *d.*

546. You want by the Irish scale to have 2 *d.* instead of 1 ½ *d.*?—On the 1 *l.* it makes a difference of five per cent.

547. But with regard to the small transactions, the minimum charge now is 1 *d.* for a transaction of 2 *s.* 6 *d.*, and it is 1 ½ *d.* for a transaction of 3 *s.*, is it not?—Under the present system, 2 *s.* 6 *d.* is only a halfpenny; under the new system of the Irish rate, it would be 1 *d.*

548. Then the minimum charge would be 1 ½ *d.* would it not?—No.

549. People have nothing to do with your distinctions between tickets and interest; the question is, what a man pays for a transaction; you say, do you not, for a transaction of 2 *s.* 6 *d.*, the minimum charge is 1 *d.*?—Yes.

550. Then, if the transaction is 3 *s.*, does he pay you 1 ½ *d.*?—Yes.

551. Then, by the Irish scale, you propose that he should pay you, how much, for 3 *s.*?—Three shillings would be 1 ½ *d.*; 1 *d.* the interest and a halfpenny the ticket.

552. Mr

552. Mr. Alderman *Carter.*] Is not the Irish scale a rate of a halfpenny for every 2 *s.*?—Yes, for every 2 *s.*, or part of 2 *s.*

553. Is it not a 1 *d.* for 4 *s.*, 1½ *d.* for 6 *s.*, and so on, up to 10 *s.*?—Yes, all pledges up to 2 *s.* would remain as they did before at a 1 *d.* A very small pledge was spoken of the other day, a 6 *d.* pledge; I find that in two houses we had not such a thing, and that in another house we had only 10 of them, and in those instances the halfpenny was not taken. They are not encouraged at all. In little matters of detail there is a want of uniformity, and in the other house I find that they take the halfpenny on small sums; but this 6 *d.* pledge really does not exist in two of my houses, and it is generally discouraged, I believe, by other houses.

554. Mr. *T. Hughes.*] There are only about two such cases that I can see in the whole of that long list?—That is a business in which we should expect to meet with them.

555. Mr. *C. H. Mills.*] You would have a fixed rate, supposing that there was no wish to make a contract?—Yes; and persons would know that if there was a special contract made with them it would have to be carried out in a prescribed form, so that a man would be aware that he was entering into a special contract. A child should not be allowed to make a contract; and the signature of the person making the contract should be insisted upon.

556. You advocate forfeiture at the end of six months, instead of as at present; what profit would an individual pawning derive from that?—I do not know that the public would have any advantage from that; but I think it must be just as convenient to pay interest half-yearly, or quarterly, the same as rent; I have known instances of persons saying "I will not pay the interest of that," whereas I think that if they were brought to account at shorter distances of time they would pay the interest; we generally, I believe, came to the agreement that by that means the number of forfeited pledges would be decreased, although some pawnbrokers are of a different opinion, and that is our aim in suggesting this. In addition to the things turning out more seasonably, we think that we should have a smaller number of forfeited pledges; I feel confident that we should do so from the fact that persons would pay the smaller amount; for instance, the interest of 10 *s.* now is 2 *s.* 1 *d.*, whereas the interest on 10 *s.* for six months would be, of course, only 1 *s.* 1 *d.*, and I think it would induce a great many persons to pay it.

557. You say that it would be a smaller amount; how would it be less?—It would be half the amount; it would be paid twice a year instead of once.

558. *Chairman.*] You think that by not letting it accumulate, people would be more ready to pay it?—I think so. Again, if a man takes a bill at 12 months into a bankers in Lombard-street, the banker in most cases will refuse to entertain it; at six months he is more likely to do so; but at three months he would take it; in this instance the hardship is that the contract in the first place is made for 12 months, at the end of which period the pawner can come, and without any payment give notice to extend it, and at the end of 15 months he can leave it altogether.

559. Mr. *Crum-Ewing.*] They do not pay the interest at the end of 12 months, do they?—It is very frequently done; a very large per-centage of the pledges which are found to be unredeemed at last, have gone through the process of backing, as it is called, for three months, so that the people do it unthinkingly, showing an unwillingness to part with them; and it costs nothing; our custom is, when a thing has been so noticed, to write the word kept on it, or something of that sort, to denote that it is not to be sold until a period of 15 months has expired.

560. Mr. *T. Hughes,*] Do you agree with the former witness that the sale of the pledges which are forfeited is a losing part of the pawnbroking business?—I have no doubt of it; I have myself, for instance, with a view to supply the sale department of one of my houses, taken the unredeemed pledges of other pawnbrokers, and I have had them at 10 or 15 per cent. discount from the money which they lent on them. I believe that many pawnbrokers would be willing to make an engagement with anyone to let their pledges go for a year or two at a certain discount off the sum lent; and I shall be able to show that that is the case with reference to pledges above 10 *s.*

561. Mr. *M. Guest.*] You have the option of taking any pledge you like, and also as to the amount of money which you can lend upon it, have you not?—Yes; except as regards the competition set up by pawnbrokers. If the money offered is not sufficient, they will go to another pawnbroker, even at some distance, and get an advanced price.

562. But why should the other pawnbroker give an advanced price if he knows that it will involve a loss?—Ninety per cent. at least of the pledges which we take go out again, and therefore the risk is worth running. There is a private value to everything, apart from its value to the pawnbroker; to replace a coat worn by a man would cost him a great deal more than the coat would fetch him at the pawnbrokers.

563. Then you fight for the interest, but not for the thing itself?—Not at all. It is altogether a mistake to imagine that the pawnbrokers look to the unredeemed pledges for profit; when the pledges are unredeemed they do the best they can to make them pay as well as possible; but in this house, in Statement C., the whole of those pledges are got rid of to some person in the trade, or are lotted up and sent to auctioneers, which always results in a loss.

564. Supposing that you were not allowed to take a sale business, do you think that the pawnbroking business would be a failure altogether?—I do not see how they could realise their pledges. A pawnbroker has a certain per-centage of pledges left, and he must make the sale of them as profitable as possible.

565. Supposing that the two businesses of salesmen and pawnbrokers were separated, do you think the pawnbroking business would be undertaken by people?—I do not think it would, because, from those two statements, it would appear that the capital employed in pawnbroking only pays a little over 6 per cent.; and the margin of profit which I get by my trading, at the end of the year, is derived almost entirely from the sale business; in one case the per-centage was as much as 28 per cent. when things were very flourishing, and there was plenty of employment, and things were selling very readily indeed.

566. Mr. *Charley.*] The Chairman, in one of his questions, referred to the case of a cabman; I presume that the difference between you and the

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the cabman is, that the cabman is obliged to take everyone who offers, whereas you can refuse, if you please?—No doubt.

567. Mr. *Whitwell.*] The Chairman has asked you (and the inquiry was not followed up), what would be your minimum charge for a given value; you say one penny, for how much?—Up to 2 *s.* as now.

568. And what would be your next stage?—That penny would be made up of a halfpenny for the ticket fee, at the time of receiving it, and a halfpenny interest.

569. Supposing that we decided upon a scale of charges, as proposed by the first witness, not graduated in minute fractions, but from point to point, what would be your view as to that?—At the present time we have a halfpenny for 2 *s.*, and so it would remain. By the present rate we get one penny for 4 *s.*, and so it would remain; but on the intermediate sum of 3 *s.*, instead of being three farthings, it would be one penny; and on 2 *s.* 6 *d.* it would be one penny also. Any intermediate sum, between 2 *s.* and under 4 *s.*, would be one penny; then from 4 *s.* to 6 *s.*, in the same way, would be three halfpence.

570. Then would you take the Irish scale exactly?—Exactly.

571. Up to what amount?—Up to 10 *l.*

572. Mr. *Charley.*] I think you said that you were in favour of raising the license duty?—No, not particularly; but I do not know any other mode which could be adopted for ensuring that the pawnbroker should be a man of some position and respectability.

573. The license is, I believe, in town, 15 *l.*, and in the country, 7 *l.* 10 *s.*?—Yes.

574. Would you assimilate the duties?—My proposition would be to make them all higher. In Ireland, I believe, the licenses are very high indeed.

575. Mr. *M. Guest.*] Would not that encourage, what are called, the "Dolly-shops"?—I think that certainly more prompt steps should be taken in dealing with those. There is no person to take any steps against them, except a common informer. The police do not interfere with them, although I daresay they have the power to do so.

576. Would a license to the buyer of old clothes have any good effect in that direction?—I do not think so.

577. Mr. *Crum-Ewing.*] Are there many of those unlicensed pawnbrokers?—A great many, but I do not know the number. An honourable Member has moved for a return, but I do not know whether it embraces that.

578. Do you know whether by law you are entitled to recover the deficiency on the re-sale of pledges?—I have always been under the impression that it may be recovered; and sometimes, when the amount has been worth looking after, I have recovered it; but it is disputed.

579. Do you know whether it has ever been decided?—I do not know that it has.

580. Mr. *Whitwell.*] An ordinary dealer, having 5,000 *l.* of capital, whether he be a grocer or whatever other trade he may follow, calculates upon turning over his capital a great many times per annum, does he not?—Yes.

581. Does not a very small profit at each turn over amount to a large aggregate profit at the end of the year?—Yes.

582. The pawnbroker makes no such calculations as that, does he?—No.

583. Can you tell how often a pawnbroker in his pledging business turns his capital over?—The actual amount of pledged stock in this instance was 8,700 *l.*, while the money turned over was 28,000 *l.*; so that that was about three times.

584. But that was in the sales and all, was it not?—Yes; but he lent 28,000 *l.*, and his pawnbroking capital was nearly 9,000 *l.*, so that it would be about three times turned over.

585. Then he turns over his capital three times for six per cent.; that is to say, each time he turns it over he makes two per cent. profit; is that so?—Yes.

586. What induces a man to go into the pawnbroking business when the remuneration is so trifling?—I cannot understand why he does. I was asked the question the other day by a barrister, who said he could never understand why a man was a pawnbroker; and he at last determined that it was a heritage. I am a pawnbroker because my father was one, and when he died there was a certain property there to be made the most of for those who were left behind.

587. Mr. *Whitwell.*] And it was better to continue it than to run the risk of loss in getting out of it, I suppose?—Yes.

588. *Chairman.*] May it not be shortly stated in this way: that philosophers say that when a business is unprofitable, no man takes to it; but that practical men say, that when a business is unprofitable no man gets out of it?—Quite so.

589. Mr. *Whitwell.*] Did not the Irish Act of 1786 only impose restrictions upon the business, when the interest was larger than the actual interest for the time being current in the realm, and if the pawnbroker only charged 6 per cent., the current interest of the realm then, was it not the case that no restrictions interfered with them?—I think not.

590. The clause says, "Provided always that nothing contained in this Act shall extend, or be construed to extend, to any person or persons whomsoever who shall lend money to any person or persons, upon pawn or pledge, at the rate of 6 *l.* sterling per annum interest, without taking any further or greater profit for the loan or forbearance of such money lent, on any pretence whatever." If that Act had been so worded that it had stated that it should not be construed to extend to any person who should lend money at that current rate of interest, would it not have followed that when the Usury Laws were abolished, the pawnbrokers would have had the power of free contract?—I think so entirely.

591. It was only on account of the privilege given to them to charge above the Usury Laws, that Parliament interfered with them at all, was it not?—Entirely.

592. As there are now no laws for protection against usury, do you think that there ought to be a law of free contract?—I think so. I have two instances here which will show how inconveniently it works; I have here a ticket for 6 *l.* for a pianoforte, which was taken in by a pawnbroker; the interest, and all that he would be allowed to charge for warehouse-room and other things, would be 1 *s.* 6 *d.* a month. Before that pianoforte was redeemed 15 months had expired and the interest that he would be allowed to charge, and which he did charge, was 22 *s.* 6 *d.* I have a bill here from Peachey, of Bishopsgate-street, for warehousing a pianoforte for the same time, and it is 3 *l.*; and the pawnbroker would have

have been liable to a penalty of 10*l.* for charging 22*s.* 7*d.*

593. *Chairman.*] In point of fact, the economical way of warehousing a pianoforte is to pawn it, is it not; because you get your money, and you get the pawnbroker to take care of your pianoforte?—Clearly.

594. Mr. *Crum-Ewing.*] The pawnbroker was not obliged to take it, I suppose; he knew what the storage would be, and therefore he did it with his eyes open, did he not?—Clearly; but the effect is, that men cannot pawn such a thing.

595. *Chairman.*] I suppose that your business is like other businesses, you cannot afford to send people away?—No; probably you may have had other dealings with the same persons. Here is a case of my own: I had a couch, a chimney-glass, a loo table, a fancy table, a fender, a carpet, and six glazed prints; the chimney-glass and the glazed prints being things involving considerable risk; we lent 5*l.* on those things, and the interest on that is 1*s.* 3*d.* per month; they were in pawn 6½ months, and I received 8*s.* 1½*d.*

596. Is it your opinion that the freedom of contract which you claim for yourself ought to be allowed, in order that you should be able to charge warehouse rent if you take in fragile articles, or articles taking a great deal of room or requiring strict care?—Yes, in proportion to the risk; we have very high authority for it; M'Culloch says that the rate of interest should always be proportionate to the risk that is undertaken.

597. Do you think that, like a railway company or a carrier, you should be at liberty to make a special charge for what are called special risks?—Decidedly.

598. Mr. *M. Guest.*] What do you suppose was the real value for sale of the things that you mentioned?—In all probability, if those things had been sold, if a broker, had been called in, or any similar step had been taken, they would not have fetched much more than 5*l.*, while they were worth considerably more to the person to whom they belonged. I wrote to the Pantechnicon to know what they would warehouse such goods for, and the answer I got was this: it is headed, "Warehousing Department, Baker-street, Bazaar, London, W., May 9, 1870. Sir,—The articles mentioned in your letter just received can be warehoused here at the rent of 2*l.* 10*s.* for six months, and 7*s.* 6*d.* per month afterwards." I lent 5*l.* and got 8*s.* 1½*d.* in six months and a-half, whereas they would have charged 50*s.*; and not have advanced any money.

599. But you were not bound to take it, were you?—No, but the hardship is to the public as well as to the pawnbroker.

600. Do you ever refuse articles?—Yes; those same things were offered to me a second time, and I refused to take them in.

601. *Chairman.*] You claim that you should not be prevented by law from receiving those goods, and charging for warehousing them at a reasonable rate?—Certainly; and this freedom of contract ought to be unfettered in every way, and be what the terms imply, because an "article of bulk," for instance, it is impossible to define, and it would lead to all manner of evasion. You could not say that it should be "furniture," because we should find that things were included in one of those furnished houses that are advertised that were not included in another as necessary to furnish a house; so that it would be impossible to define what was either an article of bulk or furniture; therefore the suggested freedom ought not to be bound by any such restriction. Others hold the view that it is desirable to limit it to a certain sum; but that I consider cannot be desirable, because I think a man should have the opportunity of borrowing money upon the article that he can best spare, whatever it might be; and as that may be an article of the value of only 8*s.* or 10*s.* or less, it would be very unfair, I think, to shut out cases of that sort. It is better to let the competition have its fair run and correct any evils that spring up afterwards, than to fetter it in any way. If you limit this freedom of contract to pledges above 10*s.*, a man would go and make the pledges 11*s.*, in order to bring it within the range. I have a letter here from a pawnbroker in the country, and it bears upon that point. He says, speaking with reference to the desirability of having freedom of contract, "I just now have a case in point. This evening a man wants 15*l.* on a piano; it is a pledge at 10*l.*, but a sixpenny ticket and 15 per cent. won't pay, and I therefore step beyond the boundaries of the Act, and make much more profitable and equally satisfactory terms at an 11*l.* transaction;" so that any attempt to bind it will only lead to evasion, and the proper thing is to allow this freedom of contract generally, and to the fullest extent. When the Usury Laws were in force the rate of interest was always five per cent., and nothing else was thought of than five per cent.; yet since the Usury Laws have been repealed money has been at very much less than that on many occasions.

602. Would you consider it lawful to advance 11*l.* upon goods, and to deduct 30*s.* for discount upon the advance?—A case of that kind has never suggested itself to me at all.

603. Is there anything unlawful in your advancing 11*l.* for six months, and deducting 30*s.* for discount upon the advance?—If that were the case, then we might have freedom of contract for all pledges now, because we have only to make them of such an amount to deduct the discount, and to hand over such a sum as could be advanced upon the goods, and for which they would be deemed sufficient security.

604. *Chairman.*] You could not do it unless the first advance was more than 10*l.*, could you?—I think the Committee will have it in evidence that one pawnbroker holds the view that he may do it for sums under 10*l.*

605. Mr. *Charley.*] Does not the new scale of charges in your Bill include charges for warehousing?—It includes everything.

606. You would make the warehousing of bulky articles a matter of special contract, would you not?—In many instances.

607. Are you satisfied with the existing law regulating the hours of business?—I think so. I consider it would be desirable that there should be a limit to the hours, so that they should not be beyond a certain time for the mere protection of the public; but I think that the pawnbrokers should have the opportunity of lessening the number of hours if they did it upon proper notice.

608. Do you think it is desirable to have the hours from eight o'clock in the morning to seven o'clock in the evening, all the year round?—The movement in favour of shortening the hours generally, I think, makes it desirable to fix them not longer than that.

609. They are longer now during one part of the year, are they not?—Yes, for six months in the

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the year. I do not think that the hours which the honourable Member suggests would be generally thought to be too long, but that those hours would give general satisfaction to the members of the trade; from eight in the morning till seven in the evening.

610. Mr. *Whitwell.*] Of course, no respectable shops of the kind would be open on Sunday, but are there any pawnbrokers' shops open on a Sunday morning?—Not any that I know of. I do not think any licensed pawnbrokers open on Sundays.

611. Have you never heard of pledges being redeemed on a Sunday morning from a licensed pawnbroker?—Never, unless perhaps on an application from a customer for any particular pledges that he has been unable to get the day before, I have had such applications made to me in the course of my time, but the houses of business of pawnbrokers are always closed on a Sunday.

612. In the lower classes of pawnbrokers do not such things occur sometimes?—They may sometimes occur among the very lowest of the small capitalists who invest in pawnbroking, but I think it may be said that the pawnbrokers' houses are all closed on Sunday.

613. Mr. *Charley.*] Would you alter the hours of closing on Saturdays?—I think many do close earlier than 11 o'clock now.

614. Mr. *M. Guest.*] But you are open from seven to nine on ordinary days, are you not?—It has been altered by one of the Acts of Parliament to from seven till eight.

615. *Chairman.*] On the question of the extra profit, would it be a convenient arrangement if you adopted the Irish plan of a ticket with the profit printed upon it, and that if you were allowed to make a special contract, you should be compelled to use a different ticket, having the extra charge written upon it, so that everyone taking the ticket would be put on his guard, and would know that he was liable to pay an extra sum?—Yes; my idea is, that every person entering into a special contract should sign his name, and that the special contract should not be allowed unless you get the signature of the person who makes it. If a man knows that he has to sign his name, and that the signing of his name is a hint that he is going to pay a higher rate than the implied rate, I think that would be a very good regulation indeed.

616. That he should sign the ticket and the amount of extra charge?—Yes; it is the custom now, in cases of deposits above 10 *l.*, to take the signature of a person; I have no doubt that the effect of it would be that if this freedom of contract were allowed in all instances, the great bulk of the transactions would be carried out at the implied rate, whatever that implied rate was.

617. Then, all that would be necessary would be that the ticket remaining with you should be signed with the extra charge, and that the ticket which you gave to the pawner should have the extra charge and the amount written upon it?—In the Bill introduced by Mr. Plimsoll, we had a schedule form for that; but I should be disposed to have something more formal than that now suggested; if they are compelled to sign their names, I think it is sure that they understand it.

618. If they signed the ticket that was kept by you, and had a ticket delivered to them with the words "Extra charged" stamped upon it, and the extra charge written, would not that be a sufficient intimation to the holder of the ticket that he was liable to an extra charge, and would it not put him on his guard as to signing?—Possibly.

619. In addition to that, I understand that you wish to have liberty to make special contracts, embracing all questions relating to fragile and bulky goods, and warehousing, and things of that sort?—We do.

620. Mr. *Plimsoll.*] I suppose there is no doubt in your mind that the scale of charges at present operates not only to your disadvantage, but to that of the public also?—I am disposed to think so.

621. Supposing that the Committee were disposed to think that freedom of contract in this as in other cases would be the best thing, can you show the Committee that it would not be to the prejudice of the poorer classes, the people who pawn, or that any disadvantage to them might be obviated, for instance, by the publication of the charges in the pawnbrokers' windows?—I think there would be one implied rate for the whole trade, and that that should be made sufficiently public that everybody might know what the scale was; but to show that there would be no extortion, I can only say that I think competition would regulate that. Persons pledging things can get the full amount for which those things are security, and the best evidence of that is the books; I have here the actual books which I should have to produce to the customer if he came to know whether he had any surplus to receive.

622. *Chairman.*] As regards the public, if the persons pawning were persons in great necessity, would they not virtually have to subscribe to any special contract that you chose to tender to them?—My answer to that is, that I do not think they would, inasmuch as what induces one man to lend more on pledge than another would induce the pawnbrokers to compete as to the amount of interest that they would charge, and I believe that that would be sure to bring about something like a uniform charge with pawnbrokers generally; for the same kind of article and the same degree of risk I think that the charges would be found to be pretty uniform.

623. What is the practical remedy for a person at present if he, under the stringent terms of this Act, cannot get money advanced on small goods?—I can understand that a man would be driven to sell the things, or he would go to one of the unlicensed shops to raise the money, where he would pay a very much higher rate of interest than the pawnbrokers' rate.

624. As a rule, do you think that if a man takes his clothes to an old clothes shop, to sell, he gets as much money as he would get from a pawnbroker?—In a great number of instances possibly, I think he would not get as much, and he would lose the opportunity of replacing them.

625. The chief loss would be that he could not get the clothes which would fit him and suit him without paying a very much larger sum than he obtained upon them, and to that extent, therefore, he would be injured?—Yes, and there is another thing; they would be driven to borrow from other persons, such as people in their own position in life. I was always ready to throw open my place of business to anybody inquiring about it who had any practical object in view. Some years ago I was invited by the late Mr. Charles Dickens to throw open my place, and he came with Mr. Wills, one evening; an article appeared

peared on the subject, in "Household Words," on 6th December 1851, and he spoke of one or two of my customers; one of them that he christened Mrs. Flathers. It so happened that, some short time after that, the woman was telling us what she paid some neighbour for the loan of a very small sum, and another person was telling us something connected with a loan society, how much they were oppressed by fines. After the article appeared I wrote to Mr. Dickens, and thanked him for the article; and I told him of those two instances. This is the letter which he wrote back, which may, perhaps, interest the Committee. It is addressed to Mr. John Dicker, and is dated, "Tavistock House, Tavistock-square, 20th December 1851. Sir, I assure you that I have received your letter with much pleasure, and that it is a great satisfaction to me to have helped to render justice to a deserving body of men." The next paragraph is slightly personal, but, perhaps, I may read it: "You owe me no thanks; on the contrary, I feel indebted to you for your valuable assistance, and for the great intelligence and moderation with which it was rendered. The case you mention occurred to me as a supposititious one, when I was looking at your customers; I have no doubt whatever that Mrs. Flathers would be infinitely worse off with an obliging neighbour than with any pawnbroker whomsoever. I am, sir, faithfully yours, *Charles Dickens*." They would be driven, of course, to all manner of means to raise the money; and I am sure that those to which they would be driven would be much more expensive means than those which would be afforded by a pawnbroker, even with freedom of contract.

626. Have you had your attention directed to the question whether there is anything unlawful in anybody who does not call himself a pawnbroker, lending money in any way he likes under the Usury Laws?—The law gives him no power of realising in any way, save such as he would obtain by entering into some special contract.

627. Supposing that a person, I will not say keeps an open shop, but lends money and takes goods in security at any rate he likes, is there anything in the Act which is absolutely prohibitory of it?—The 19 & 20 Vict. c. 27 says, "Whereas attempts are made to evade the provisions of the said Acts by persons who receive goods and chattels into their possession, and advance money thereon under the pretence that the transaction is a sale and purchase of such goods and chattels, and not a receiving or taking of the same by way of pawn or pledge, and it is expedient to amend the said Acts." Then it goes on to affix the penalty. It defines who pawnbrokers are, and who may lend money.

628. Mr. *Charley.*] Those people who are not pawnbrokers incur a penalty for not taking out a license, do they not?—Yes; It is in the second clause that the penalty is fixed at 50 *l.* for trading without the proper license.

629. *Chairman.*] It is necessary to bring a person within the Act that he must keep "a house, shop, or other place," for the purpose of carrying on this business as an open place for current business; but there is nothing to prevent any individual from lending money under 10 *l.* on goods and getting any return he likes, if he does not keep an open shop?—That is what I imagine.

630. Under this Act, if there is no contract or engagement on his part to deliver the goods back, he appears not to be liable to a penalty, but if there is a sale, he can give money on the goods if the party chooses to trust him to give them back again?—I suppose he can do so now.

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631. If there is no expressed or implied agreement to return the goods on receipt of the money, then, of course, the goods can be sold in open shop; that is to say, anyone who keeps an old clothes-shop can buy clothes, if the party chooses to rely upon his goodwill to sell them back again at the end of the week, or at any other time?—Yes, that is the case in the dolly-shops.

632. Is that done to a large extent?—I believe it is.

633. Therefore, the more a man evades the Act, the larger would be his business?—Clearly.

634. Mr. *Charley.*] Have there been many convictions under this Act?—There have been recently some instances where the full penalty has been enforced; but it is a thing which has never been dealt with properly, There has been no organised system of putting it down in any way.

635. Mr. *C. H. Mills.*] With regard to those overpluses, I think Mr. Hardaker recommended that any claim for an overplus should be barred at the end of three years, because he spoke of the inconvenience of keeping the goods open?—I do not see any importance at all in that.

636. You would be able to close your books all the same?—Yes; the advantage of it to the pawnbroker at present is, that if the overplus is not claimed until nearly six years, he has had the use of the overplus money during that time.

637. Mr. Hardaker recommended, as far as I could gather, that at the end of three years there should be no power to claim?—Now it is limited to three years from the period of sale, I think, by the Act. Mr. Hardaker's suggestion was, I believe, that it should be a shorter period than that.

638. Mr. *Whitwell.*] If you were put under the law of free contract, the power to recover should be extended to six years, should it not?—Yes.

639. Mr. *T. Hughes.*] These two columns, in the paper which you have handed in, I understand to represent the sums for which the articles were pledged, and the sums for which they were sold by Messrs. Debenham?—The first column contains the amount actually advanced, and that, of course, has to be charged with the amount of interest due at the time of sale; and the other is the amount for which they sold, but from which the auctioneer's charges of 5 per cent. have to be deducted. My object in putting those books in is to show that the competition is such that the pawnbrokers lend the full amount of money on goods; and my argument is, that by open competition the rate of interest would also be kept within proper limits

640. *Chairman.*] Do the public derive much advantage from your records with regard to the recovery of stolen property?—I think that every precaution is taken by pawnbrokers as a rule, and that the idea that they would willingly lend themselves to taking stolen goods, or that they negligently perform their business in taking those things, is a mere popular prejudice against the trade. I have some statements here as regards my own transactions, which will show that the number of pledges given up in that way is very

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very small indeed. These were papers which were prepared some time ago, when the pawnbroking interest was proposed to be dealt with in another Bill.

641. Why do you believe that that number is so small; do you believe that it bears any proportion to the number of stolen things that are actually taken to pledge?—I think it does. If there was any chance of a large number of stolen goods being in the hands of pawnbrokers that were not found out by the police, their attention would be directed to Messrs. Debenham and Storr's, or some of those places where the goods are sold, and we should have cases continually occurring, whereas they are of very rare occurrence indeed where such things are claimed, when being offered by auction as forfeited goods.

642. Do the police claim any right to examine your books or pledges to see if you have received any goods that are missing?—Not at all; and in this country it certainly cannot be necessary, knowing the integrity with which business is carried on. A pawnbroker would never lend himself willingly to receive stolen goods, because he has to keep them by him 12 months, and to give a ticket. He has the opportunity to buy them if he thought fit, but instances of that kind are not known among pawnbrokers.

643. Mr. *Charley.*] They do, I suppose, as a matter of fact, sometimes receive goods which are stolen?—From this return which I have in my hand, it appears that out of a total number of 1,334,011 pledges taken in seven years at three pawnbrokers' shops of my own, the probable sum lent on those pledges being upwards of 420,000*l.*, at the average of 6*s.* 4*d.*, as shown in my statement put in, only 53 pledges, representing about 38*l.* 18*s.*, were given up as stolen.

644. *Chairman.*] Is it your impression that people who steal things do not, as a general rule, take them to pawnbrokers?—They certainly do not, and I have heard that opinion supported very generally by the police too.

645. You think that they would rather sell silver things, for instance, to refiners, and clothes at the clothes-shops, than pawn them?—The large robberies are effected by professional thieves, who take their things to their own regular markets. The most frequent cases I have had are, where persons have stolen things from furnished lodgings, where there have been servants; but in a large number of instances I have been the means of returning property to the owners by stopping it when offered. In my own experience I have had two cases of sacrilege; in one case, where they broke out of a church; and in another, where they stole things from a vestry. In this respect, I think, there is most thorough integrity shown by the trade generally.

646. Are many things stopped at the pawnbrokers' shops, in consequence of the police notices?—Not in consequence of the police notices; they, of course, lead to the detection of some, but the pawnbrokers and pawnbrokers' assistants get that sort of knowledge, which induces them to attach some suspicion on some occasions to the answers given by people. It is not done by reference, because the police lists are so voluminous that reference, in all cases, would be impossible. Hundreds of articles are on the lists on some days; and, therefore, they have to trust to the willingness and ability of the pawnbrokers to detect those people whenever they come in their way.

647. Are many attempts at pledging stopped, as a rule, which are not effected with regard to stolen goods, in consequence of the suspicions of the pawnbroker or his assistants?—There are a great many instances of that kind; but there are some tables, which are possessed by the Liverpool trade, which will show, I believe, that out of those cases where the pawnbrokers have to attend at police courts, a very large per-centage are cases which arise from the stoppage of the goods by the pawnbroker; and that while he appears as a witness, it is by his own act that he has appeared there.

648. Are there many cases in which it has been established against a pawnbroker that he has knowingly taken goods as stolen?—I do not think there has ever been one. I am very anxious, indeed, to express my opinion upon this point, because anything like police interference with the trade would have the effect, I know, of driving a large number of wealthy and influential men out of the trade. I have heard many of them say that they would not follow the trade if they knew that it was the law that a policeman could come into the house to search the books; and the effect of it, no doubt, would be a very bad one.

649. Do you think that the fact that the pawnbroker has to give up stolen goods and lose the money operates to make him very cautious in carrying on his business?—It has that effect; but, in addition to that, the nuisance that we complain of so much in our business is, that we have our assistants taken away on these occasions; I had one of mine the week before last, I think, away the whole week; so that it upsets the whole machinery that you have to carry on your business.

650. Mr. *Charley.*] There is ample power given by the law to the police to enter your premises, is there not?—Yes, a search warrant may be obtained.

651. Mr. *Whitwell.*] With regard to the cards, would there be any objection to issuing those cards out of a book, retaining the counterfoil in the book, instead of a loose card, and to the card being made of such paper as cartridges are made of, so as to be really as strong or stronger than a card?—That plan is adopted to this extent that the tickets are all numbered, and the pledges are booked consecutively according to those numbers; but those tickets might be made larger, I think, with advantage, because the small size of them may possibly interfere to some extent with the way in which the ticket is written.

652. Would there be any objection to having the ticket taken out of a book, and to the pawnbroker keeping the counterfoil in a book, instead of a loose ticket?—I cannot see any disadvantage whatever in it; I think it would, on the contrary, be advantageous.

653. Mr. Alderman *Carter.*] Many of the articles in this sale book, I see, are sold for very much less than they were pledged for; I suppose one column represents the money advanced upon them, and the other column represents the amount for which they are sold?—Yes.

654. I see here a telescope, on which you lent 15*s.*, and which you sold for 2*l.* 2*s.*; are there many such cases as that?—In a case like that, if application was made by the person for overplus we should at once pay it.

655. And if no application was made, you would not pay it?—No.

656. Ther

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656. There is a case of some picture, on which 15*s.* was lent, which was sold for 1*l.* 9*s.*; in those cases would any notice be given to the party that you had sold the goods for much more than was advanced upon them?—No; but the general result of those sales is, that the pawnbroker loses from them; those sales are not a source of profit to him; of course instances will occur where there is an overplus; but where one such instance does occur, I should say there are hundreds to the contrary.

657. There is one here; 18 pairs of boots pledged for 3*l.* 12*s.*, and sold for 6*l.* 15*s.*, would any notice be given in a case like that?—No; no notice would be given; but in a very large number of cases the persons would apply for the overplus, and only the other day, before we got home from a sale, a person was waiting to receive an overplus; he was present in the room and so he was aware of it; but in a very large number of those cases those persons are not aware of it.

658. You are not required by the law to give any notice, are you?—No.

659. *Chairman.*] You set off the gain of those that sell for more, against the loss on those that sell for less, I suppose?—That is so.

660. As you cannot get the money from those whose goods sell for less, you do not seek to return the overplus to those whose goods sell for more?—No.

661. Mr. *Charley.*] The 20th section of the Act says, "In case any such goods or chattels shall be sold for more than the principal money and profit aforesaid, due thereon at the time of such sale, the overplus shall, by every such pawnbroker, be paid on demand"?—Yes; and the books would be immediately placed before them, and they would have the particulars as to the day when the sale took place, and it would be shown to them. They have only to pay a penny for inspecting the books.

662. Mr. Serjeant *Simon.*] This table before me shows 1,553 redeemed pledges in the month of May 1870, is that correct?—Yes; they were reedemed on one night on the 7th of May. The paper that you have in your hand gives the particulars of one Saturday night's business of the house referred to in the Statement C. which I laid before the Committee the other day.

Mr. George Attenborough, called in; and Examined.

Mr. *G. Attenborough.*

663. You are largely engaged in pawnbroking, are you not?—Yes.

664. Have you been so for many years?—About 40 years.

665. Are you the Honorary Secretary of the Metropolitan Pawnbrokers' Protection Society?—Yes.

666. For what purpose is that society established?—If you will allow me I will read the 2nd rule, which will give the objects of the society, and I shall be happy to put in the report which will explain it more fully. It is established "to give mutual advice and warning against the numerous frauds which are continually taking place, and to afford legal assistance to its members in all cases of robbery by servants in connection with their business as pawnbrokers; also against informations or complaints, when it shall be the opinion of the Committee that the members have not offended against the law; and likewise for taking into consideration any subject affecting the general interest of the trade."

667. Has your position brought you in contact with the trade generally in London?—Very much, indeed; perhaps more so than any other person could possibly have been.

668. Has that also led you to consider the operation of the Acts which regulate your business, and the alterations which they wish generally to have introduced into them?—Yes.

669. Have you heard Mr. Dicker's evidence given?—I have heard the greater portion of it.

670. Do you think that the present mode of computing your profit, upon the smaller transactions especially, is unsatisfactory?—I think decidedly so.

671. In what way would you propose to remedy it, or in what way does the trade think that it ought to be remedied?—Speaking for myself, and for the large body of the trade, I should say that we require a monthly rate instead of a fractional one.

672. Would you be satisfied to have as a statutory rate the Irish rate?—As a rate of interest I should; I am not quite clear about the ticket fee; I am not quite sure whether the Irish rate gives a commission or a ticket fee at the time of pledging.

673. With respect to the interest, you would be satisfied with the Irish rate?—Yes.

674. Then you would wish also to have the ticket fee?—I would suggest a penny ticket fee upon all pledges, no matter what the amount. The trouble of taking in a 10*l.* pledge is not greater than for one of 10*s.* or for one of 10*d.*

675. The responsibility is greater, is it not?—I do not know that it is.

676. The responsibility as regards losing the pledge is greater, is it not?—I do not believe that the ticket fee is intended to cover the responsibility; but to cover the trouble and the manual labour of taking in the pledge, and I do not think that a penny is too much; I would, however, make it one uniform rate for every pledge for whatever amount, so as to simplify matters.

677. In the event of having that statutory rate, do you think that it would be necessary that there should be any power of exempting yourselves from it in special cases by freedom of contract?—Certainly; so far as profit or charge is concerned.

678. Would that be for the purpose of meeting all the special risks?—Yes, and for other reasons; I believe that it would be better altogether.

679. Would you extend the freedom of contract to the whole of the business if a party chose to make it under conditions, so that he should well understand that he is not under the statutory rate?—Certainly.

680. Or would it be sufficient if it were limited to certain special circumstances?—I would not place the slightest limit upon the profit of that special contract; I believe that it would be better for both parties, and that the public would then be able to pledge with licensed pawnbrokers in safety that which they have now to get rid of by a forced sale or by deposit with leaving-shops.

681. Do you think that they would get better terms from the regular pawnbrokers than they would

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would under this illicit system?—I am sure they would.

682. Is it your opinion that there is sufficient competition among the pawnbrokers to enable a man to get good terms if freedom of contract were allowed?—Quite sufficient.

683. How many pawnbrokers are there in London?—I believe it is about 425; the House has a return of the number, it is between 420 and 430; Mr. Morley moved for a return recently.

684. Is it your opinion that the business which is carried on, of pledging under 10 *l.*, is profitable as compared with other trades?—Certainly not.

685. Then do you think that the statutory limits prevent your carrying on the business at a profit proportionate to that of other trades in London?—Decidedly; I believe it to be the most unprofitable business in London.

686. Then why do people carry it on?—We are born to it, or are brought up to it, and cannot get out of it.

687. Is it supplemented by other businesses?—We bring in other businesses to supplement it; that is to say, the sale helps the pawnbroking.

688. Is almost every pawnbroker a dealer in goods of some kind?—Yes, everyone is a dealer in goods of some kind, some in clothing, and others in works of art, jewellery, and plate.

689. Is every pawnbroker also a dealer to a greater or less degree in transactions above 10 *l*?—Where he can get the opportunity, but in some neighbourhoods they have but little opportunity for it; in the West End that is the best part of their business, unquestionably.

690. There they have perfect freedom of contract, have they not?—There they have freedom of contract over 10 *l.*, both for time and price.

691. Are the persons who transact business upon that system, persons of a better station than those who receive small pledges?—They live in a better situation of the town.

692. But are they in a better situation of life, and have they greater capacity for making a good bargain?—One hardly likes drawing such a contrast as that; but I think it may fairly be assumed that persons over 21 years of age, and able to sign their names, have sufficient capacity for such a bargain.

693. Is it your opinion that an improvident person of fortune is just as inconsiderate as an improvident workman in obtaining a loan?—I never find that they are improvident in making a loan; I believe that the pawnbrokers' customers are as sharp as any persons who go to any house of business.

694. Do you think that their eagerness to get money on goods does not make them more improvident as regards the terms of the bargain?—No; they take care of themselves, I am quite sure.

695. Do many persons go away from a pawnbroker's shop in consequence of their thinking that they can get a better bargain elsewhere?—A great many; we are obliged to lend quite up to the hilt, and even above it.

696. Do you lend rather with respect to the value of the goods to the person who deposits them, than to their absolute value?—I speculate upon the chances of their being redeemed, because 95 per cent. of my pledges are redeemed.

697. You speculate rather upon the value of the goods to the depositor, than to the value of the goods in the market?—Yes.

698. Are you protected by that from any loss on the result?—On the 95 per cent. I am; but I lose on the 5 per cent.

699. It might be assumed, probably, that the five per cent. on which you lose are pledges on which the person pledging has been more clever than the person receiving, and the one has been too much for the other?—They do get too much for them, and I know it to my cost.

700. Is there much artifice practised in presenting goods to pawnbrokers to get money upon them?—There are regular manufactories in London of goods made up for "duffing" purposes; that is, for pledging beyond their value; and I think I speak quite in reason when I say that there must be over 10,000 persons always engaged in deceiving pawnbrokers by making and pledging goods for more than they are worth. These goods are sent from London all over England.

701. Is there any law to punish them for those attempts, or is it only a case of *caveat emptor*?—We do punish them under our society when we can get a case; but it is exceedingly difficult to get a case. At the present time we have two or three men lying in prison for it.

702. At the same time it presents the aspect of an ordinary person purchasing goods, and the vendor looking out for himself, does it not?—Yes, he must look out for himself.

703. Unless you can fix him with a liability for obtaining money under false pretences?—That is the case. They trade habitually upon the pawnbrokers' competition with each other in lending too much.

704. Is it the opinion, generally, of the trade, that there is so much variety in the nature of goods offered for pledge that it would be desirable to have freedom of contract to enable the pawnbroker to deal with all those special cases?—It would be better, certainly.

705. Do you think that that would contribute to the benefit of both the pledger and the pawnbroker?—Yes, it would enable them to pledge bulky articles which they now cannot pledge, because they do not pay a pawnbroker.

706. You are obliged to refuse an article, are you not, if the warehousing would be comparatively costly?—Yes; take, for instance, a chest of drawers, they are rarely worth more than 1 *l.* to lend upon, and they would pay no pawnbroker at the rate of 4 *d.* a month, which is all he can now charge.

707. Therefore you are deprived of the opportunity of lending money upon a great variety of goods which otherwise would be pledged?—Yes.

708. What do you think would be necessary to be done, in case there were freedom of contract, to protect the person pledging from being imposed upon by any want of knowledge upon his part of the nature of the transaction?—You may safely leave them to themselves; they will take care of themselves.

709. Would it not be necessary, if there was any statutory rate at all, to take care that a man pledging knew that he was not coming under the statutory rate?—I should certainly advise that no contracts were made with persons under 21 years of age, and that they should sign their names to the contract, and, therefore, the law might fairly assume that they knew what they were doing.

710. In all cases of difference from the statutory rate the rates should be written down, and the person pledging should sign the paper?—Certainly

Certainly; and he should not be under 21 years of age, or apparently so.

711. Do you concur in the opinion that the amount of stolen goods disposed of by pledging is very small?—Very small indeed; in the business that I have the year's accounts now before me, I have not had as many as three pledges received in the year and given up to the police as stolen goods.

712. Are there many efforts to pledge stolen goods, which are refused by the pawnbrokers?—Very few.

713. Are there many people sent away because the pawnbroker thinks the transaction is doubtful?—There are some, unquestionably; but I think there are very few indeed. No professional thief and no burglar ever pledges his goods; he knows a better market for them; that is to say, a safer one for himself.

714. Is it your opinion that the income of pledged goods under 5*s.* value is less than the expense of taking them into pledge, if they are redeemed in a short time?—I lose by every pledge that goes out of my house, which is pledged for 5*s.* and under, which does not remain with me more than a month. My working expenses are three halfpence and half a farthing upon every pledge which I take in, and therefore, if I do not get over that, I lose by it.

715. Then why do the pawnbrokers do this kind of business; why do they not generally put an end to it?—They would have to close their houses if they did; and if they did not take in pledges for a month, they would never have them for two months, and at the second month they pay.

716. You mean that when they first receive those pledges, they are always in doubt as to how long they will remain, and therefore they are obliged to take the risk?—Certainly. If I refused a pledge because it might go out in a month, I should never have that which might be with me for two, three, four, or more months. I have here a table of one week's business, showing the respective months during which 1,494 pledges remained in my possession, and which will, I think, show it to the Committee directly.

717. The word "profit" in this table does not mean net profit, but it means gross profit, I presume?—It means gross profit.

718. As this shows a gross profit of 1¼*d.* on the one month pledges, if you deduct your charges from that, it would, in your opinion, yield no net profit?—I should lose a halfpenny by every one of those 1,084 pledges.

719. Is the motive for doing that chiefly the expectation of the pledges remaining more than a month, and the necessity of keeping up your business, and pleasing all comers?—Yes; you will observe that after one month they pay, and then they have been in two months I get about one farthing by each pledge.

720. Is there any opinion entertained by the trade, generally, as to the term of grace after the first month, which is now seven days?—It is seven days, and then we charge another half month; it would be far better if the half months were done away with, and the rate of interest endorsed, at the time of pledging, upon every duplicate which the customers receive.

721. Do you consider that the grace should be limited to the one week after the month?—I should not say that; I would rather give them 10 days, and then begin again and take another month; instead of the half month I would give 10 days, and take a whole one.

722. What is the object of fixing a time, and saying that there should be another time added; why should it not be 40 days in the first instance?—That is what I mean.

723. They do not pay any extra interest for the seven days, do they?—No; it is 38 days, under the present Act.

724. What is the merit of adding seven days of grace to the fixed time?—There is no merit in it; I think it a great demerit; but our forefathers, I suppose, when they drew the Act thought it a meritorious thing; the Act was passed in the year 1800.

725. Then what is your opinion, or the opinion of the trade generally, with reference to the maximum period which is allowed for the redemption before the sale of the pledges?—That it is much too long; I have by me (I was looking at it this morning) 17 months' goods in my house, at the present time unsold, because from December last I have been unable to sell any of the winter goods, and I cannot touch them until about September.

726. Then what is your view with reference to fixing a period for selling the goods?—That it should be a uniform period of six months.

727. Would you allow any power then to give notice not to sell, or would you compel the party, in fact, to renew his pledge?—I think that would be quite useless; they would renew them.

728. Would you give them a right to renew, or would you make it compulsory upon them to redeem, or to submit to a sale?—I should have no objection to a right to renew for six months, but not more than that, because a pawnbroker might intend to close his business; and if you continued that right, for a longer period, he could not shut up.

729. You would have no objection, I presume, provided he paid the interest on for the further six months?—Certainly, there can be no objection to that on the part of any pawnbroker; it would be beneficial to both parties.

730. Would you abolish the three months' notice altogether?—Yes; it is an unnecessary machinery, especially so with a six months' forfeiture.

731. As far as I understand you, the pledger would have an absolute right to continue the pledge, up to 12 months, if he paid the interest?—I do not see much good in it, but I should not at all object to it, and I do not think any of the trade would.

732. If he did not come and renew, at the end of six months, do you mean that you should have an absolute right to sell?—Yes; in the case of pledges under 10*s.*, as we have now.

733. Would you extend the right to sell, at the end of six months, to all pledges?—Yes; but I have not the slightest wish to interfere with the pawner's right to overplus, and to have goods over 10*s.* sold by auction.

734. Mr. *Crum-Ewing.*] At present are you not obliged to sell everything by auction?—Over 10*s.*, but under 10*s.* we have an absolute right in them, and we sell them as we please.

735. *Chairman.*] Is there any other change in the law which the trade generally wish to have made, except those which you have stated?—Many of the clauses require great simplification;

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we cannot understand them; and the fractional interest is exceedingly objectionable.

736. What you wish is that the law should be consolidated, and re-enacted in a more simple form?—Yes; speaking generally, my own desire would be for freedom of contract in all cases; the Irish rate for an implied rate, and a six months' forfeiture; and there are other things which require simplifying, and making so that the public may understand them as well as the pawnbrokers; they neither of them understand them now.

737. Mr. Serjeant *Simon.*] Is it not a common thing for children and young persons under 21 years of age, to bring articles to pledge?—We do not take them from persons under 16 years of age.

738. And that is done to a very considerable extent, is it not?—Not in London to a considerable extent; but I have heard that in some of the mining and manufacturing districts it is almost necessary, and that it is done to a considerable extent, as the legal age there is 12 years.

739. How can you make that consistent with your recommendation that no pledge be taken from a person under 21 years of age?—I recommended that there should be no free contract with a person under 21 years of age; because in the one case it is a question of bargain as between the pawnbroker and his customer, and in the other case the statute law rules the profit, and therefore there could be no advantage taken.

740. But I understand you to recommend free trade altogether in the matter?—That is in all cases and all pledges, if the pawnbroker and customer agree upon it; but I think that there should be an implied rate of interest, in case no contract is entered into.

741. But supposing that a pawnbroker refused to accept a pledge upon the statutory rate, and would only take it upon the terms of free contract, would not the pledger be totally helpless to resist it?—He could go to the next pawnbroker, and perhaps he would treat him better. It is perfectly free for them to go where they please.

742. But as you are leagued together in association for your mutual protection, would you not come to an understanding that under certain circumstances you would refuse to accept a statutory rate?—It is quite impossible to do it, the nature of a business like ours could never hold people to such a contract for a single week. If they entered into such a contract to-day, they would break it to-morrow.

743. What is the number of the members of the association of which you are secretary?—It is 224.

744. Are those 224 confined in any particular part of London, or are they spread over London?—They are all over London, and in fact all over the London postal district, at Croydon and elsewhere.

745. Would they not be sufficiently powerful to exercise the influence of excluding poor people from the benefit of pledging?—Certainly not.

746. Do you think that if the 425 pawnbrokers agreed together never in any case, or in a certain class of cases, to accept a pledge, except upon the terms of free contract, they would break that understanding?—It would be impossible to get them to agree together; you could not get 425 men to agree upon any system of business.

747. But if it would be conducive to the interests of the trade, and produce an increase of their profits to have free contract, do you not think that that would be a sufficient inducement to them to agree?—Certainly not, competition would always beat them.

748. Competition between whom?—Between pawnbrokers generally. Besides, such a contract as that would be outside the rules of our society, and it would not be entertained for a moment.

749. But it would not be difficult, if you had a state of the law favouring your views, to have an arrangement of terms, would it?—If they did so they would very speedily have to find a new secretary, for I would be no party to such a compact, nor do I believe that one in 50 of them would.

750. With reference to the overpluses, does any considerable proportion of the pawnbroker's business arise from unclaimed overpluses?—Speaking personally, I sustain a severe loss on my sales.

751. Do you know of instances of cases in which the unredeemed overpluses form a portion of the profits of the business?—On the balance of the sales generally I should say that most pawnbrokers have to sustain a loss rather than a profit. Of course, there may be individual pledges, as I have heard here to-day, which may afford a profit; but perhaps one at a profit will have to meet something like 10 at a loss, and the balancing will come wrong.

752. Are there many unclaimed overpluses?—Speaking personally, I have very few. The pledgers know when an article is cheap, and they come for the overplus, and it is not an uncommon thing for persons to see the sale of their own pledges at the auction sale, and thus know what they fetch. They are publicly sold and publicly advertised, and catalogues are issued free of cost with the number of each pledge attached to it, so that any person may know his own pledges. I have here a bundle of my catalogues which will show you the plan upon which they are arranged.

753. Mr. *C. H. Mills.*] Were they advertised?—In the daily papers, "The Times," "The Daily News," and so forth. The auctioneers advertise them.

754. Mr. *T. Hughes.*] Those are not your books, which are put in, are they?—Those were Mr. Dicker's.

755. You generally make gains on your sales do you not?—I am sorry to say that most of the things sell for much less than I lend upon them. This is my overplus book (*producing a book*); it contains simply the amount lent, with no interest and no expenses.

756. Mr. *Charley.*] You used the expression "leaving-shops;" are leaving-shops the same as "dolly-shops"?—Yes, they are all the same.

757. Mr. *T. Hughes.*] Have you any knowledge upon which you can rely with regard to the illegal trade in London?—I can give you a very good idea of what the system of business is.

758. I suppose you contemplate that if we can do anything towards stopping that illegal trade we should do it?—Freedom of contract will do more than anything else to stop it, in my opinion.

759. Supposing that we did not see our way to recommend that freedom of contract, can you give us any suggestion as to how it could be stopped?—I should really look upon it as almost hopeless.

hopeless. Their system of business is that they profess to buy the article brought to them, and they keep it a month, or in some cases only a week. The person can buy it back again at a profit varying from 2 *d.* to 4 *d.* in the 1 *s.*; so that what I should charge 1 *d.* for, they charge from 2 *d.* to 4 *d.* for; and what I should keep 12 months, they sell within a month.

760. *Chairman.*] Then why do people go to such shops when yours are open?—Because they are principally a class of goods which we cannot take at the present prices; and again, a great deal of their business is done after hours and on Sundays.

761. Mr. *Charley.*] They are, practically, unlicensed pawnshops, are they not?—We hardly like to call them so, but it is the fact.

762. Mr. *T. Hughes.*] Do you know the extent of those shops; are they as numerous as pawnbrokers' shops?—They abound in low neighbourhoods, and are carried on under various guises, such as rag shops, chandlers' shops, old metal shops, and such like.

763. Are they very numerous?—Very.

764. Mr. *Crum-Ewing.*] Do you take any means to let persons know when there is an overplus?—No; they know how to look out for themselves as a rule, and I think the law assumes that they will look after it themselves if it is worth having; but they know that it is not worth coming for. I do not think I have an overplus on one pledge in 50.

765. Mr. Alderman *Carter.*] What kind of goods are those which the "duffers," as you call them, generally sell?—Every kind of article, but principally such things as plated jewellery and gold chains, and especially jargoons for diamonds, and such like; also every description of goods bought at auctions and repledged again at a higher price.

766. And that will account, probably, for the excessive amounts which are lost on those kind of goods?—That will partly account for it.

767. I find here that there is a loss of 356 *l.* on 12 articles?—Yes; you must remember that a pawnbroker standing behind his counter has to advance money upon every description of article which is made, and therefore he must know the value of everything between a flat iron and a diamond; and the consequence is, that he only gets a smattering of judgment upon everything, so that he very frequently gets done, and loses his money.

768. Mr. *Whitwell.*] To what business does your evidence as to the 95 per cent. of goods redeemed apply?—In East-street, Walworth.

769. Are you only speaking of that business?—I am only speaking of that. I quote that because it is an essentially low business, and I thought the Committee would like to have the evidence on a low business; it is the lowest business which I have.

770. Supposing that you had not restricted it to that house, what would you state with reference to the redemptions in the whole of your businesses?—They are over 90 per cent., and I have no doubt that it would come to over 95 per cent., though I have not tried; in amount they generally range about the same.

771. I believe you are not bound to sell by auction those articles which are pledged at a less amount than 10 *s.*?—No.

772. How do you sell them; do you generally put them into your sale shop?—I keep a separate establishment altogether for the sale of apparel, quite away from my pawnbroking business, and I sell them there.

773. On those articles do you make a profit?—On some of them I do; but there is just this difference, that at auctions I sell principally to dealers, and in my shop I sell to wearers, and therefore I get somewhat more profit.

774. Then, although 10 *s.* seems a small amount, a large portion of the goods pledged with you are under 10 *s.*?—A large number of them would be under 10 *s.*

775. And what proportion in value?—I do not think I could tell you, but I could give you the number; it is a low business, and I should think more than three-fourths of them would be 10 *s.* or under; that is what we term not "auction pledges."

776. On those articles which come into your possession at 10 *s.* and under, do you generally realise a profit when they are not redeemed?—No, I do not.

777. Your shopmen must be bad estimaters of the value of the articles, must they not?—Competition beats us in that; and we speculate upon the 95 per cent. of them being redeemed.

778. Now we come to the sales of the more valuable articles; who buy the articles at those auctions?—Regular dealers.

779. Not the public?—Yes, dealers and the public. You will find the room crowded at Debenham and Storr's, or Johnson and Dymond's, and a great many of them are bought by those "duffers" to pledge again.

780. At those public auctions where dealers are purchasers, they seldom allow the public a fair chance of buying, do they?—It is perfectly open and free as can be.

781. Does not the pawnbroker himself buy when he sees an article going at a low price?—He must do so in self-defence.

782. So that some of the articles sold by you at a loss on your catalogue may be resold by by you in your sale shop at a profit, may they not?—Yes, possibly; but then there are the expenses of doing it; there would finally be a very homœopathic dose of profit, I assure you.

783. With reference to giving notice to persons where their articles have been sold at a largely increased value, if you ask for freedom of contract, you certainly ought to give a fair compensation to the pledger. I find an article here pledged at 7 *l.* and sold for 17 *l.* There is no law, is there, to compel you to intimate to the pledger that you got 10 *l.* out of that?—Perhaps I could take that book and find the same person pledging an article for 17 *l.* where the thing was sold for 7 *l.* We have now an action pending in our society in which a person tendered five duplicates for overplus. Three of them sustained a severe loss, and two of them realised a profit; he demanded the profit on those which paid a profit, and refused to make a set-off of the loss. He summoned the pawnbroker, and the magistrate has given it against us. Our society have taken out a case, and it is now waiting for trial before the judges as to whether we have the power to set off.

784. But they were all separate transactions, were they not?—Yes, but they were all with one man.

785. What clause in the Act induced you to think

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think that you had the power to make a set-off?—Nothing in our Pawnbrokers Act would give it us, of course; I am subject to the ruling of the right honourable Chairman, who is learned in the law, but I think the common law gives it to us. We are going to try it, at any rate.

786. Still it is possible that the man may never have pledged any other article with you but this 7 *l.* diamond ring, is it not?—It is possible; but if he has the power for coming for an overplus, why does he not exercise that, and as he has three years in which to claim the overplus, he will doubtless do so.

787. *Chairman.*] I suppose the difficulty of the case is that the statute makes it imperative upon the magistrate to order the overplus to be paid over; but that it does not give the magistrate the same summary power to order the deficiency to be returned?—I must not go into the legal question; I simply give you the facts.

788. The present law is against you, is it not?—It is pending trial. We think that it will turn up in our favour, but we may be wrong.

789. Mr. *Crum-Ewing.*] I suppose there is no law to prevent your applying to a person to make up a loss, is there?—We know that we can do it, but unfortunately it is never worth doing. We know that we should have our expenses to pay, and get no money.

790. *Chairman.*] Then would you claim, if the decision is against you, to have the Act amended in that respect?—We should ask for it; I am afraid we could not claim it; but if it is once ruled under the common law that we have a right of set-off, we do not ask for anything else. That matter is still pending.

791. If there were freedom of contract, he would have six years, would he not?—As far as I am personally concerned, I would not mind giving them 60 years, because they have seldom anything to receive.

792. Do you think that it would be an advantage that there should be some law giving an equally summary remedy to recover the deficit in cases of fraudulent pledges?—It might be desirable for pawnbrokers that that should be defined more clearly; but I think that it would be of very little use to them; they never could find their customer, and if they did he would be worth nothing.

793. Is not the magistrate the person who has jurisdiction in all those matters, except in the particular matter of your calling upon the person to make good the deficit?—That is done by the county courts; it used to be done entirely by the magistrates, but since the establishment of the county courts a great deal has been taken out of the magistrates' hands; for instance if I damage goods, the pawnbrokers' law gives the remedy, but the owners prefer going to the county court.

794. Under the Act the whole jurisdiction over pawnbrokers is vested in the magistrates, is it not?—Yes; but they do not exercise it now.

795. Do they decline to exercise it?—The people go to the county court instead of summoning us for any damage which may occur to the pledge, and I do not blame them for it.

796. Why do they go to the county court instead of going, under the Act, to the magistrate?—They think it more simple, but they do sometimes go to the magistrate; for instance, I had a case brought to me this morning, in which an article has been redeemed by affidavit, or declaration regularly signed by the magistrate; it was a scarf pledged for 4*s.*; the parties say that the person who redeemed it by affidavit was not entitled to it, and, therefore, they have summoned the pawnbroker, and he is ordered by the magistrate to pay 16*s.*, although he has his affidavit perfectly clear; the magistrate has given two days to consider it, and I have called a special meeting of the committee to-morrow morning to take the case into consideration, to see whether this affidavit will really stand the test, or not.

797. But is the ground of the magistrate's decision negligence in taking in the pledge?—No; he takes it generally that it does not free the pawnbroker from liability.

798. Mr. *T. Hughes.*] Then what is the use of it?—It does not appear to be of much use.

799. *Chairman.*] I suppose the declaration is not made by the owner?—That is it. Sometimes two persons will come to pledge together, and one therefore gets the full knowledge of the other's pledge, and they have but to come and ask for an affidavit, and we are compelled to give it; we have no power of refusal; then they take it before a magistrate, and he signs it, and they come and redeem it, and we are liable. That case is pending now; 16*s.* has to be paid for a 4*s.* pledge.

800. Mr. *C. H. Mills.*] Why has 16*s.* to be paid?—That was the value which the person put upon it; those things are something like railway accidents, they always put a fancy price on when there is anything lost.

801. *Chairman.*] Would you claim that the magistrate, if he interfered at all, should undertake to determine whether the person making the declaration was the real owner, so as to exempt the pawnbroker?—The pawnbroker certainly ought to be exempted, but it is a very difficult question to say how he is to be exempted; I think some mode could be devised to do it.

802. It is held, is it not, that he must give the goods up under the declaration unless he can produce the real owner, to show that the declaration was wrongly obtained?—The pawnbroker must give up the goods, and he must supply the declaration.

803. Would he be bound to give up the goods under the declaration if he showed that the declaration was not made by the real owner?—But he never can do that; if the person says (as in this case), "That is my scarf," I could not say that it is not his.

804. Is there anything further that you wish to add?—I hold in my hand a nine-years' return of another business, the books of which I have verified. It is exceedingly simple, and it will show the unprofitable character of the business.

805. Mr. *T. Hughes.*] You appear not to have learned it by experience, because you seem to be constantly purchasing new businesses?—The business to which the honourable Member refers was a small business which I could take, and which did not require much attention. I would ask whether the honourable Member would think it a fair return when I say that out of 4,000 *l.* I can scarcely net for myself 200 *l.*, after taking five per cent. for my money.

806. Mr. *Whitwell.*] Have you ever taken out from a list of the bankrupts for 12 months, the number of pawnbrokers who have become bankrupts?—There are now in London about 420 pawnbrokers, which, if you look at the large number

number of the inhabitants of London, is not a great number, being perhaps less in proportion than any other trade in London. During the last 20 years I can put my finger upon more pawnbrokers who have died insolvent, or been bankrupt, than of any other trade in London in proportion, taking the number at 420. I am of course arguing upon the doctrine of proportions.

807. *Chairman.*] What happens with regard to their stock when they become bankrupt?—The pledgers' interest is especially reserved by the Act of 1800; the business is almost always bought by another pawnbroker, and the pledgers' rights are entirely reserved.

808. Then their insolvency only applies to any other transactions?—To those they owe money to. A great many of us have to do business (and I do myself partly) on borrowed money.

809. Mr. *T. Hughes.*] In the year 1865, these expenses per pledge were 2¼ *d.*; in 1861, they were 3¾ *d.*; what is the reason that the expenses per pledge vary so very considerably?—If you look at the number of the pledges that were taken in 1864, it was 66,000; and in 1865, it was 90,000; and I have no doubt that that was done by the same number of hands, simply by getting more work out of the same number of hands; consequently the pawnbroker would not increase his expenses there very largely.

810. But it is just the contrary as regards the two years at which I am looking. In 1861, when the expenses per pledge were 3¾ *d.*, the number of pledges taken being 56,000; and in 1864, they are 71,000; can you explain that?—That is the year in which he commenced business, and his expenses would be naturally rather heavier.

811. Then he runs up to 3¼ *d.* again in 1869, does he not?—Perhaps the expense of living then was rather heavier, or something of that sort. I can speak as to the truth of that statement, because I have verified it from the man's books, which are exceedingly well kept, but I cannot go into the particulars.

812. *Chairman.*] Have you anything more to add to your evidence?—With regard to that case as to which I told the Committee that it was now pending for overplus, the pledger took out summonses for penalties which would amount to something like 30*l.*, as well as the amount of the overplus to be paid, 10*l.* on each case. I was asked a question, some time since, by a member of this Committee, at the Westminster Palace Hotel, in reference to the insurance of pledges. I do not know whether the Committee would like to have my opinion upon that. I have looked at the question with a very great deal of care, and it seems to me to be an exceedingly difficult one to deal with.

813. In what way?—It has been said that the pledger's risks ought to be insured in pawnbrokers' stocks; that is, if a person pledges an article, it ought to be insured for him against fire; but I do not myself know why a pawnbroker should be placed in a different position from any other bailee of goods. I think he ought not to be; and if he is placed in a different position, he ought to be placed in a better, because in his case the owner of the goods has received a large portion of the value, and in many cases more than the value, whereas the wharfinger, or auctioneer, or any other bailee, gives no portion of the value; and in the case of a fire, it is an actual loss.

814. It would be a mere question of the pawnbroker actually charging more, and insuring in gross, would it not?—That would be so; he must charge higher for it, and there must be the amount of risk declared at the time of pledging, which I think no insurance company would take.

815. He would be only able to insure the value of the goods so far as they were lent upon, I presume?—Then he insures only his own interest in them.

816. He does that already, does he not?—He insures his own interest now; but it has been said that the owner's risk ought to be insured.

817. To enable him to do that it would be necessary to declare the value of the goods at the time he pledged them, would it not?—Yes; but there are features so difficult about it that I doubt whether any insurance company would take the policy.

818. Mr. *Whitwell.*] But the Court has held that you are not liable, has it not?—Yes; but a Member of Parliament said to me, a short time ago, at a meeting held at the Westminster Palace Hotel, that the pawnbrokers' risks ought to be insured. Supposing that an evil-disposed person were to pledge a number of articles at a pawnbroker's, and insure them all, at his own value, and cause a fire to take place at his premises, he would reap a very large profit.

819. Mr. *C. Mills.*] But he would make himself liable to trial for felony, would he not?—Yes, but a fire would be very easily caused. I do not myself think that any insurance company would take the insurance. I have looked at the question, and have drawn up a system, but the question presents great difficulties.

820. Mr. *Crum-Ewing.*] Do you insure your own risk?—I insure my own risk, to the amount which I lend upon my pledges, and an estimated sum for interest due.

821. *Chairman.*] You have no means of measuring the surplus value, and insuring that, and you think that it would be liable to great abuse?—I do; further, if they had to pay at the time of pledging I do not believe one in 100 would pay the insurance upon it.

822. That would be a necessary condition, would it not?—It would be a necessary condition; no pawnbroker could insure his customers' risks unless they were declared. Then a good deal has been said about the fractional rate of interest.

823. Mr. *T. Hughes.*] But it is always overcharged, is it not?—Lord Denman held that where it was a fraction of a farthing, the pawnbroker was entitled to charge the whole farthing. In my dealings I have ever bound myself (and I think every respectable pawnbroker would do so) to the fractional rate of interest.

824. *Chairman.*] Do you mean that you charge the fractional rate, up to the last farthing, and if the fraction goes into another farthing you charge the whole farthing?—I do myself, but I do not think that any pawnbroker thoroughly understands the calculation of the rates of interest, and I do not believe any member of the Committee could calculate them, nor could I calculate them myself.

825. Mr. Alderman *Carter.*] Can you tell me the reason why the 93,000 pledges taken in, in 1869, should cost 474*l.* more than 96,000 pledges taken in, in 1865, there being, in 1865, a profit of 374*l.*, and a profit of only 175*l.* in 1869?—

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1869?—I do not think I dare go into the particulars, as it is not an account of my own business, but I know that it is truthful.

826. Mr. *T. Hughes.*] As it stands it only makes you wonder?—I can see the weak point. It really does look peculiar, but I cannot explain it; my own opinion is, that the pawnbroker lost more heavily upon his goods that year, and put the loss down to his expenses, as I think he would be justified in doing.

827. Mr. Alderman *Carter.*] Is it your opinion that pledges should not be taken by any party (I do not refer to London merely, but to other towns in the country) when the age of the pledger is less than 16?—Personally, I should say that they never ought to be pledged when the pledger is under 16.

828. *Chairman.*] Is the time of keeping the houses open satisfactory at present, or is there a desire to have the hours altered?—There is a desire, amongst the generality of us, very much to diminish the hours, because the short hours system, as it is now called, is popular. I should be disposed to make it from eight to seven all the year round, although I think the principle of closing any house of business by statute is bad; but still I do not object to it.

829. Mr. *Crum-Ewing.*] I suppose that the large amount of your business occurs in the evening?—No; more in the mornings. On Saturday evening there is a great deal done. I think from eight to seven o'clock would be very good hours, except on Saturdays, when it is quite necessary to extend the time of closing to 11.

Mr. JOHN ASHBRIDGE TELFER, called in; and Examined.

Mr. *J. A. Telfer.*

830. *Chairman.*] ARE you a Pawnbroker?—I am.

831. Do you carry on an extensive business?—I carry on a business which we should describe, I think, as a medium kind of business, in St. George-street, East, and in Whitechapel also.

832. Have you a statement of the business, showing the profit and loss upon one of your businesses?—I have (*producing a statement*). I show an entire capital of 9,208 *l.* invested in a business in which 8,201 *l.* is required in the pawnbroking business, and 1,007 *l.* is required for a stock of the kind which you have heard described before, composed of forfeited pledges and of purchased goods. A great many goods are purchased for the purpose of suiting customers for whom the pawnbrokers' goods are not suitable,

833. What is the gross income from this business?—The gross income from this business was 1,613 *l.* 15 *s.* 9 *d.*

834. What were the expenses?—The expenses amounted to 852 *l.* 14 *s.* 9 *d.* There was 684 *l.* spent in carrying the business on, leaving for losses on the sales of unredeemed pledges, 167 *l.* 10 *s.* 4 *d.*; the loss on the stolen goods delivered up in the course of the year was 14 *s.* Then I have charged the business with five per cent. interest on the capital employed, showing a net profit after that of 3·27 per cent. on the capital, or 300 *l.*, so that this 300 *l.* will show the Committee the difference between carrying on the business and investing the money at five per cent., which I think I could easily do.

835. Dividing that profit between the pawnbroking and the retail sale business, what do you consider has been the profit on the one, and on the other?—I have taken the proportion between the amounts of capital occupied in the one and the other, and I have taken eight-ninths for the pawnbroking, and one-ninth for the sale department.

836. Upon what principle do you consider that one-ninth only would be sufficient to conduct all your sale business?—I believe that if I did no sale business, the business could not be conducted with 20 *l.* a year less expenses, inasmuch as the sale is principally carried on in the leisure time which the men would otherwise have, our business being one in which a great deal more is transacted on Monday and Saturday than in the other part of the week.

837. What is the establishment necessary for carrying on such a sale business as that mentioned in the balance-sheet?—The shop is upwards of 30 feet long, and in it we have a jewellery part and an outfitting warehouse. The same men do it all. All the purchases which are made are made over the counter from wholesale dealers.

838. Then the retailing must require a shopman, or somebody, I presume?—They are all in the same shop; and consequently, when a customer comes into the sale department, one of the men leaves the other counter and attends to him.

839. But supposing that you had no pawnbroking business, how many shopmen would you require to conduct this sale business?—One shopman and a lad.

840. Then the necessary expenses would be a shop, and a salesman for the sale business?—They would.

841. That would come to more than 94 *l.* 14 *s.* 9 *d.*, would it not?—It would; I acknowledge that.

842. Probably it would come to 194 *l.*, would it not?—The fact is that the two businesses are carried on together at a smaller expense than the two businesses could be carried on at separately; were they separated the pawnbroking would swallow up nearly all, or within 20 *l.*, I should think, of all that I have put down, and I daresay the sale would cost 200 *l.* a year.

843. On your assumption the expenses for the sale business are 94 *l.* 14 *s.* 9 *d.*; and there is a net profit, after paying the interest of capital on the sale business, of 126 *l.*?—Yes.

844. That would be at the rate of 12·61 per cent. upon the capital, would it not?—Yes.

845. And the pawnbroking business, on the assumption that the expenses are 758 *l.*, yields a net profit of 173 *l.*, or 2·1 per cent., does it not?—Yes.

846. And if it were re-adjusted, still there would be a great difference between the profit on the two businesses, would there not?—There would be always a great difference between the profit of the one and of the other.

847. Do you consider that the net profit of 2·1 per cent. is not an ordinary trade profit?—I believe that the whole of the profit on a pawnbroker's business is much below what an ordinary retail tradesman conducting business with transactions averaging as mine do 6 *s.* 3 *d.* a piece, ought to earn by the investment of his capital.

848. A tradesman

848. A tradesman having a business requiring a capital of 8,200 *l.*, you think would make more out of it in the ordinary way than 173 *l.*?—I think so, with the ordinary success which a tradesman might expect in the ordinary course of business.

849. Have you heard the evidence which has been given by the two preceding witnesses?—I have.

850. Do you concur generally in the view they have taken of the state of the law applicable to your trade?—I do, except in one point, I think I might suggest another consideration with regard to the method which might be recommended of increasing the profit on the pawnbroking transactions, which would address itself to the defect which has been pointed out in the manner of assessing it at present; I have taken out a week's business, and I delivered in one week 1,342 pledges. On an average, the costs of those pledges was 2½ *d.* a piece, and 795 out of the 1,342 failed to pay the 2½ *d.* But if, as has been put before the Committee by another witness, it is hardly fair to charge every pledge, whether high or low, with the same sum for expenses, I will take it in another way; it costs 3½ per cent. to lend the money, that is to say, I lend 21,000 *l.* in the course of the year, and every 100 *l.* of that costs me 3 *l.* 10 *s.* to lend it; then I think that a pledge that does not pay at the rate of 3½ per cent. produces a loss to me, whether that pledge be a high one or whether it be a low one. If I take in a pledge for 4 *l.* and only receive the legal charge of 1 *s.* 2 *d.*, and that remains in only one hour, I think that that does not pay for the trouble and expense of keeping the shop open to take it in.

851. Mr. *T. Hughes.*] Surely that would apply to all businesses if you took a single transaction, would it not?—I think not.

852. *Chairman.*] You do not mean, I presume, that the single transaction is to pay, but the rate of the single transaction?—I might make it clear perhaps by saying that if the whole business consisted of such transactions I should be a very large loser at the end of the year.

853. You mean, therefore, that the rate of charge for such transactions, however numerous they might be, would not make them profitable?—I am certain it would not; and that is the principle, in the second clause in our Act, which in my opinion it would be just to act upon. The minimum time, as stated in the second clause of the Act, for which interest should be charged, is one month, and I have no doubt that the idea of the Legislature in settling that minimum time of one month was the supposition that that would pay us for the working expenses of the transactions. Now on one month the interest is only 1⅔rds per cent.; there is the ticket fee which may amount to another half per cent., making about, we will say, 2¼ per cent.; therefore I consider that if a pledge costs me 3½ per cent. working expenses to take it in, every pledge ought to pay me, at least, its working expenses, 3½ per cent., or about two months' interest. If I made a minimum of two months in my charge of interest on pledges, no pledge then would create a great loss, but they would nearly all meet the working expenses; at the same time, of course, the poor who have to leave their pledges a long time would pay no more, because if they allowed the pledge to remain two months, there would only be the two months' charge, and if they allowed it to remain longer it would only be in proportion to the length of time that they allowed it to remain, while I should make the improvident, that is to say, the people who pledge and take their things out in a short time again, pay a fair proportion of the expense to which they put me.

854. Would not that compulsory charge of two months, on a pledge for 8 *l.*, for example, be very hard upon a person who merely wanted to pledge for one month?—I think not; if I charge two months' interest, which would be 4 *s.*, it is really an extremely small recompense for the handling of anything worth 8 *l.*; an appraiser would probably charge 8 *s.* for valuing it, which we have to do at the beginning.

855. Mr. *C. H. Mills.*] You do not deny that upon six months or a year it is profitable?—If we could take in the long pledges, without the short ones, it would, in my opinion, be perfectly profitable and satisfactory; but the mischief is that we have to take in about three one month's pledges in order to get the fourth which is to remain in longer.

856. If that 4 *l.* pledge at 1 *s.* 2 *d.* stays in for a year, that pays you at about the rate of 18 per cent., does it not?—No; it only pays 15 per cent., exclusive of the ticket money, but if it remains for a year, I am perfectly content with it.

857. Therefore, supposing that the rate was raised on the first month, that would take away all your objection, would it not?—Yes, it would; excepting that there would be an additional charge when it had been in 12 months. If I charged an additional sum for the ticket, then the person having a pledge in for three months would pay more than he does now; whereas, if we simply charged two months as the minimum charge, it would be no extra charge whatever on the old pledges, while it would make the new ones pay something like their working expenses.

858. *Chairman.*] Then you would rather have a larger sum, and give everybody under the statutory rate the right of pledging for two months for the minimum sum?—Yes; that is what I, personally, should like; but in the debates which have occurred upon this subject in the trade, we have come to the conclusion that it would be an easier plan to the public, and that they would feel a less shock, if we made a larger rate of interest in the whole, and left those monthly pledges still to pay but a small proportion of what they cost; that is to say, if we adopted the Irish rate, people would not be shocked with it, whereas if we charged a large initial charge for every pledge, it would appear as if we were doubling our profits. Some taxes are levied, I believe, or continue to be levied, at any rate, not because they are good in themselves, but because people are used to pay them, and prepared to pay them, and, consequently, they pay them without grumbling. In our own case, the adopting of the Irish rate would satisfy the pawnbrokers, and it would not cause the shock to the public which a large initial charge would be likely to do.

859. Is not your proposal, insisting upon everybody having a two months' engagement, rather different from that which has been urged upon the Committee, namely, freedom of contract?—I should argue for the completion of the abolition of the Usury Laws, so as to allow a pawnbroker to make a free contract in whatever way he pleased,

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pleased, so long as it was thoroughly understood by the person with whom he made it.

860. Ought not the statutory rate approach as nearly as possible in elasticity to freedom of contract?—The statutory contract, if made in the present manner, obliges me to allow the pawner to terminate the contract before it has had time to pay itself. Any minimum rate which would pay us for small transactions that were short, would of necessity become oppressive in the subsequent months, which do not produce a repetition of the labour.

861. Why so?—I will illustrate it. Suppose we said that a penny per month should be the charge for 2 *s.*

862. Is not the true solution of the question that everybody should pay for what he wants as nearly as possible, and that he should therefore pay a minimum rate upon the short transaction which would not make it a loss to you, while he should not be carried into a long transaction?—That is precisely my idea; I think that the person pledging an article for 2 *s.* should pay a halfpenny for the ticket and a penny for the interest, but that that should be able to run for two months. Then, if the third month was entered upon, there would be only another halfpenny; but still this is only my own personal idea as to following the theoretical justice of the case. I should be perfectly content that the Irish rate should be adopted, and I think the public would be satisfied too.

863. There being two things, the one the taking of the pledge at a certain cost, and the other the continuing it at a particular rate of interest, ought they not to be kept separate, and a minimum charge made for the first transaction which is to pay you, and then if the pawner continues the pledge, should he not be able to continue it at a reasonable rate of interest?—I see no objection to it if a larger charge than we have at present for ticket money were adopted.

864. Mr. *Crum-Ewing.*] Since you make rather a loss than a profit on the small pledges, would it not be a good thing to make a rule that you should not receive those pledges except for a certain time?—We have no means of binding the pledger to allow the pledge to remain in for a certain time; he lets it remain in as long as he pleases, and it would be very inconvenient to the pledger if it were otherwise.

865. *Chairman.*] I understand you to concur generally in the views which have been already expressed to the Committee; have you anything further to state to the Committee?—I prepared a roll, similar to Mr. Dicker's roll, but giving the several days of the week, showing to some extent the difference between Saturday and all the rest of the days of the week; and there is a statement which embodies that; it might be useful, perhaps, if I left this in the hands of the clerk.

866. We understand generally that there is a great difference between the number of transactions on a Saturday and those on the other days in the week?—Yes, and that is the secret of my being able to conduct the sale business at so small an expense in my shop, because the men who are necessary to conduct Saturday's and Monday's business have much leisure time in the other parts of the week.

867. Mr. *Crum-Ewing.*] Is it the case that people carry things to pledge on Monday, and take them out on Saturday?—Yes; a great many poor people have no accommodation for keeping things in safety at home.

868. Mr. *C. H. Mills.*] That is a profitable business, surely?—No, that is not profitable; every pledge costs me 3½ per cent. to take in for working expenses for men and wages. If a man pawns a watch, or a coat, for 1 *l.*, he can redeem it for the payment of sixpence, which is about 2¼ per cent., and if my business consisted entirely of transactions of that kind I should not realise above three-quarters of my expenses.

869. If a man pledges for 2 *s.* on the Monday, and takes the article out on the Saturday, what, in the course of the year, do you make by that?—It may be run to a very large per-centage if taken in that manner.

870. You make 4 *s.* 4 *d.*, do you not?—I do; but it costs me 2½ *d.* every time I serve him, and consequently you must multiply that 2½ *d.* by 52, giving 10 *s.* 10 *d.* as the working expenses.

871. Mr. *T. Hughes.*] How do you get at that cost?—I arrive at the cost of 2½ *d.* on each of my pledges by dividing the working expenses shown by the number of pledges taken in in the course of the year; if I have taken in (as I have) nearly 70,000 pledges in the course of the year, and that has cost 850 *l.*, the 850 *l.* divided by 70,000 will give, as nearly as possible, 2½ *d.* per transaction. Therefore, I say, that it costs me 2½ *d.* to serve a person.

872. Mr. *C. H. Mills.*] Then, every week he brings it back, it is so much the greater loss to you because it is so much greater expenditure of labour?—If it were merely the interest of money, it would be a different thing, but I do not charge the man the interest of the money. These working expenses do not embrace that at all; if I charged for the use of the money, 4 *s.* 4 *d.* would be a very large multiplication of that; but what I state as working expense is merely labour, and it is a matter of indifference to me as regards that whether the man has any money at all. If the man had no money at all, those transactions would each cost me about 2½ *d.* They cost me 5 per cent. on the money lent, if I reckon the interest of the money as well as the working expenses.

873. He, then, is the worst customer whom you can have, is he not?—He is the worst customer whom I can have, except the man who leaves his goods altogether at a high price; but that is a matter which is so much under our own control that the Legislature can never remedy it; the six months' forfeiture may alleviate it.

874. How many officials are you obliged to keep to conduct your business?—Two respectable men of great experience, one young man, two boys; that is, a senior and a junior lad, and a housekeeper.

875. You put down your rates and taxes at 42 *l.*, and the rent at 80 *l.*; that seems to me to be very excessive; I do not take this as a balance-sheet, because you appear to have estimated a number of things?—None of this is estimated except repairs, sundries, and rent; the rent is obliged to be an estimate, because it is a freehold.

876. I see "Sundries," (say) "20 *l.*," "Rent," (say) "80 *l.*;" I take those to be estimates, and if this be a balance-sheet, those ought not to be estimates, and you should not put this in as a balance-sheet. If those are estimated sums, I should like to know how many of the other sums put down there are estimates?—Nothing but those

to which the word "say" is put; if I had prepared a full statement of those items, I daresay I do not exaggerate when I say that there are 500 items in the "Sundries."

877. *Chairman.*] Have you anything more to say?—I have brought two auction sales books if the Committee would like to see them, but the result is very much the same as that shown by previous witnesses.

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Mr. William Nathan, called in; and Examined.

878. *Chairman.*] Have you heard the evidence given by the witnesses to-day?—Yes.

879. Do you generally concur in what they have stated with reference to the operation of the Act regulating your trade?—I do.

880. Is your business a considerable one?—Yes.

881. Is it in pledges of large or small value?—It is what is called a "running" business, it is amongst the working classes.

882. Then you have a great many pledges of small value, I presume?—Yes.

883. Mr. *C. H. Mills.*] Where do you carry on your business?—In Limehouse; I have two houses of business.

884. *Chairman.*] Have you a statement of the out-turn of your business for the year?—I have.

885. What is the rate of profit over and above the expenses on the pawnbroking business?—The net earnings in my case are much more favourable than in the cases of many of the trade. I am not answerable for the calculation which has been made by somebody else connected with the Committee, but, according to the figures which I have furnished, it is 9 per cent.

886. Is that allowing any interest upon the capital?—No.

887. Then, if you allow five per cent. interest, the profit over and above that will be four per cent., will it not?—Yes.

888. Do you do any sale business?—Yes.

889. What is the profit upon the sale business?—It is about 400*l.* a year.

890. What is the per-centage of profit upon the capital employed in the sale business?—The per-centage in that case would be about 23 per cent.

891. Is that also not deducting any interest upon the capital?—That is not deducting any interest upon the capital.

892. Then, it would seem from that, that the pawnbroking business is below the average of retail businesses in other respects?—Yes, in the small transactions; and, in fact, in the general run of the business, I believe that there are no businesses, having the same amount of capital, that pay so small a rate of return as our business does. Most businesses get their goods upon credit, and most of them do not pay for their goods until they are sold; but in our case, we are always obliged to find the capital before we can do any business at all.

893. Therefore, unless people had the assistance of capital, they would not be able to carry on the business, I presume?—No.

894. Is it your opinion that the law at present presses heavily on the pawnbroker in the small transactions, by requiring him to do them at a low rate?—For small transactions at short periods, I think it does.

895. Are you of opinion that the changes which have been proposed in the law might meet the difficulties of your position?—I should be quite satisfied with the Irish scale; and if it is good in Ireland, where the poorer classes are supposed to be poorer than they are in England, I think it would be fair in England.

Mr. *W. Nathan.*

896. Do you concur in the other alterations in the law, enabling you to diminish the period of forfeiture to six months?—I think it would be a very great improvement.

897. Do you think it desirable that you should have a statutory rate only, or that you should have a statutory rate with a power to make special contracts?—I think that we should have a statutory rate, with the power to make special contracts, and that in every case where there was no special contract the statutory rate should apply. It would not be possible for us to make special contracts in the ordinary run of our business, because it would take too long a time; and if the trade were thrown open by what was called free trade (to which I am not entirely favourable, though some of the gentlemen are), it would take too long a time to have special contracts for every pledge, especially where a large business is done.

898. Then, would you have every transaction assumed to be under the statutory rate, unless a person made a special contract to the contrary?—I would.

899. Mr. *T. Hughes.*] What limit would you wish to place for free contract?—I think 40*s.* would be sufficient. Most people who have goods to the value of 40*s.* to pledge, are quite able to understand a printed contract; and it would be printed.

900. Any advance under 40*s.* you would have limited, as at present, by a fixed scale?—Yes.

901. *Chairman.*] Is it your view that all the pledges above 40*s.* might be left as the pledges above 10*l.* are now left?—That is my opinion.

902. Mr. *C. H. Mills.*] Would you give no freedom of contract under 40*s.*?—I would do so; but it would be a thing which would be very seldom entered into.

903. *Chairman.*] Supposing that parties brought china or glass, or bulky articles under the value of 40*s.*, you would wish to have some right of charging extra for the risk or warehousing?—Yes.

904. Do you think there would be much business of that sort if you had that power?—I do not think there would be a great deal done under 40*s.*

905. Is much business refused now, because you cannot take the goods in under the present system on account of their fragility or bulk?—There is a considerable proportion.

906. And you would be able to take them in if you could charge extra for them?—No doubt.

907. Mr. Alderman *Carter.*] Why would you limit pledges on contract to those above 40*s.*?—Because I think that persons who possess property of a greater value than 40*s.*, are intelligent enough to make a contract.

Mr. *W. Nathan.*

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908. Then, of course, it would exclude all articles not worth 40 *s.* from special contracts, because you put it on the intelligence of the pledger rather than on the article itself?—It is a matter of indifference to me personally. I would not care whether the special contract was allowed to be under 40 *s.* as well as above.

909. I want to know your reason for fixing the arbitrary limit of 40 *s.*?—A special contract requires some intelligence in the party making it; and as there is no means of testing the intelligence of the pawner, except by the value of the goods which he brings, that is the only way in which you can arrive at it.

910. Could you not test it by the age of the party; could you not fix the age at 21 years?—I do not think any special contract should be made with anybody under 21 years of age.

911. If the party was not under 21 years of age, you would, perhaps, not object to his pledging an article under 40 *s.* under a special contract?—I would not.

912. Mr. *Whitwell.*] Have you any opinion as to limiting the time for opening and closing pawnbrokers' shops?—I think that the time mentioned, from eight in the morning to seven in the evening, is a very fair time; but looking at it from the point of view of a political economist, there is no reason why shops should not be kept open longer for pawning, if people approved of it, any more than there is for buying and selling.

913. With your long experience, and seeing that there is an opportunity for disposing of goods at the low class of pawnbrokers' shops, do you not think that there should be a time appointed which would tend to facilitate the investigations of the police?—Yes; I should be quite satisfied with from eight o'clock in the morning to seven o'clock at night, except on Saturdays, of course.

914. And to what hour on Saturdays do you think the pawnbrokers' shops should be kept open?—To 11 o'clock. In low neighbourhoods, it is quite necessary to keep open as long as that.

Monday, 20*th June*, 1870.

MEMBERS PRESENT:

Mr. Richard Arkwright.
Mr. Ayrton.
Colonel Beresford.
Mr. Alderman Carter.
Mr. Crum-Ewing.
Mr. Montague Guest.
Mr. Hambro.
Mr. Thomas Hughes.
Mr. Charles Henry Mills.
Mr. Morley.
Mr. Plimsoll.
Mr. Orr-Ewing.
Mr. Ridley.

THE RIGHT HON. ACTON SMEE AYRTON, IN THE CHAIR.

Mr. JOHN FREDERICK MAY, called in; and Examined.

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915. *Chairman.*] Do you hold any particular position in relation to the trade of Pawnbrokers?—I am one of the committee of the Manchester and Salford Pawnbrokers' Association.

916. Have you more than one establishment in Salford?—Only one.

917. How long have you been carrying on business as a pawnbroker?—Twenty years.

918. Have you had much opportunity as a member of the committee of your association of seeing the working of the present system?—I have.

919. Do you find that the Act works satisfactorily in your business in Salford, or are there any difficulties?—It does not work satisfactorily. There are some parts of it, I think, which are open to objection, and which might be improved.

920. Will you be kind enough to go through the different objections which you find; first, with reference to the rate of profit or interest allowed to a pawnbroker under the Act?—I think that is objectionable.

921. In what respect do you find it objectionable?—The system laid down by the Act of Parliament is a good one in theory and is intelligible to men of education; but we have, unfortunately, in pawnbroking to deal with a large number of people who are not educated, and who do not understand it, and it is impossible, or at least I have found it so, to explain to those people the principle upon which the Act is based. The inference is that we find difficulties in dealing with people under the rate prescribed by the Pawnbrokers' Act.

922. Then what you desire is to have some simpler scale of rate, which everybody could understand?—I think it is desirable.

923. Have you considered any new rate, instead of that which is now charged?—I have not. I have no special system or rate to offer, I would rather that the Pawnbrokers' Act, as existing at present, was simplified. For instance, we are pestered with parts of months, and fractions of moneys, which people really cannot understand. If I say to a customer, "The charge for a 3*s.* pledge for five months is 3*d.*"; he will say, "What! five months for 3*d.*? How much is that a month?" "I cannot explain how much it is a month, it is 3*d.* for five months, you must take it for granted that it is 3*d.*" "Oh, but I want to know how much that is a month?" "Well, I cannot tell you." "Well then, if you cannot tell me, you must be charging me wrong; I can understand if you tell me that it is a halfpenny a month for five months, that would amount to 2½*d.*," they would say, and have said, "If it is a penny a month, I can understand that five months would be 5*d.* then," but five months for 3*d.* is altogether beyond their comprehension, and they go away dissatisfied, whatever you may say, because it is something they cannot understand, and do not grasp. With regard to other sums similar illustrations might be given.

924. As regards sums, intermediate between the particular sums stated in the Act, there is a difficulty in making the computation; is that so?—It is; for my own part I do not complain of the system as laid down by the Pawnbrokers' Act, of taking a halfpenny for every half-crown. I believe that that would be an intelligible system, because everybody could understand a halfpenny for the loan of every half-crown, and when you pass half-a-crown, it became a halfpenny for the next half-crown, till you got to 4*d.* for the loan of a £. That would be intelligible; but when you come to those complicated sums, those fractions of months and moneys, nobody can understand it properly. I remember very well about three weeks ago, when an informer summoned one of our trade in Manchester for an infringement of the Act, and this infringement consisted in charging 1½*d.* for, I think, a month and a-half interest for 4*s.* It was heard before our stipendiary magistrate, and the question arose between the magistrate and the magistrate's clerk what it should be. This really involves a very serious question, because 4*s.* should be about seven-eighths of a penny. That would seem a little difficulty to reckon, but half of the seven-eighths came to be reckoned; the magistrate and the magistrate's clerk could not very well decide what the man should have paid; so, after consulting together for some three or four minutes, the magistrate decided that, since they could not understand it, though they were able carefully to go through it; and as this man had a business to attend to, this being on a Saturday, he felt they ought to dismiss the case,

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case, the Pawnbrokers' Act in this particular being so complicated that really he could not pretend to deal with it. This was his conclusion. I could give a case in point which occurred about two months ago in our Manchester Borough Court.

925. Does any difficulty arise with reference to your having this fixed rate to cover all charges as well as interest?—Having the fixed rate to cover all charges assumes that all things are of the same kind. Now, all things are not of the same kind; one person may bring a wedding-ring, another may bring a watch, another may bring a box full of clothes, and another might bring something of a very inconvenient kind, for instance, he might pledge a ladder, or something of that kind. Now, it would not be fair, I think, to charge the same amount for each of those articles, because they would not all require the same amount of room, nor would they exactly require the same attention. In the case of a wedding-ring, for instance, or a watch, we can just simply take that and put it on a ring or a wire in a compartment of our safe, and that would remain there until it was redeemed or forfeited; but if I took in such a thing as a featherbed, I should have to pay a porter, or I should have to keep a porter constantly in attendance for carrying that to the place where I should wish to deposit it until it was redeemed. Supposing that I took a featherbed for 10 *s.*, the amount allowed to me per month for that would be twopence, and if it were simply carried up stairs and down again, nobody would do it for me for less than a shilling; so that the result is simply this, that if a person comes to offer a featherbed or looking-glass, or anything of that kind, I say, "No, if I take this in pledge I can only do it at a loss, and I would much rather be without it;" so that it does not altogether answer. I believe the end of the Pawnbrokers' Act is not answered when it restrains Pawnbrokers from taking anything more than a hard-and-fast line of interest for goods of every description.

926. Does it prevent people from pledging articles which they might not really want at the moment, and which it might be more convenient for them to part with, and does it make them pledge articles which they do want?—They are left to this alternative; they must either sell the things entirely, probably at a loss, for when people want to sell, as honourable gentlemen know, they are obliged to sell according to the special circumstances of themselves, and the buyer; or they must take it to an illegal pawnbroker, who makes a bargain for a thing, but he does it, as we say, under the rose, and he professes to buy it. For instance, supposing that I refuse to take in a featherbed; had I the option to take that featherbed, I might, perhaps have lent him 15 *s.* or 1 *l.* on it; but he takes it to somebody who professes to buy it for, say, 10 *s.*, and to let him redeem it within a fortnight, the pawner paying him 12 *s.* 6 *d.* or 13 *s.* 6 *d.* for it; he must either sell it entirely, or he must go to the person and make this ficticious sale; if he leave it there for more than a fortnight, the person has it in his own hands, and he simply loses it; in fact, it gives the use of practices which no doubt fall very heavily upon the class of persons who have only such things to pledge, and I believe it works injuriously.

927. Are you of opinion that a pawnbroker, carrying on a regular business, could do those transactions more cheaply than a person who does them irregularly and casually?—I do not see why I should not have the opportunity of taking in featherbeads, and looking-glasses, and pictures, and articles generally of a bulky or a perishable nature. A man might bring me a bag of mussels in the morning, and say, "I am hard up this morning, and I have nothing else to pledge but this bag of mussels." But I cannot take the bag of mussels in pledge, because if I do I must keep them 12 months, and I dare not keep a bag of mussels 12 months; but if I could have a memorandum which should say that I might lend him 3 *s.* on this bag of mussels, provided that he redeemed them by the same night, or that if he did not redeem them that night I should have the power of selling them, then I might take the bag of mussels, and he could take the money that he pledged his mussels for, and buy water cresses, or oysters, or oranges. But if this cannot be done, the man must, in this case, simply leave his mussels at home, and go to the beer-house and get a pint of beer, and go to sleep and wait till the time came for selling them, whereas probably by borrowing some money on them he might do some good.

928. Practically you are prohibited from lending money on any perishable commodity, and sometimes it may be left on your hands to perish, without your having any right to sell it?—Yes; articles of a perishable, brittle, or bulky nature, are, by the present Act, excluded.

929. To enable you to deal with such cases you would require some power to make a special contract, I presume?—I believe so.

930. And to make a special charge?—And to make a special charge, according to the circumstances of the case. If I go to a railway station I can leave my carpet-bag at the cloakroom there, and say, "I want to leave this till to-morrow." If it is a very small parcel, it is a penny, and a halfpenny, perhaps, for every day afterwards. But if a man brings such an article to me, I lend him, perhaps, 2 *s.* 6 *d.* on it, and it is a halfpenny every month, or rather every five weeks, with the seven days of grace. That is the difficulty we are in. If it is a large parcel, the man at the station says, "It is too big for a halfpenny; you must pay me 1 *d.* or 2 *d.*"

931. You have, by law, no power to shorten the time, or to make a bargain to shorten the time?—Not under any circumstances.

932. Therefore, do you wish to have the power, in your special contract, of altering the time, so as to make it suitable to the nature of the commodity?—I think it would be the means of benefitting the public to a very large extent with reference to the articles which I have named.

933. With regard to the general time of deposit, apart from the question of special contract, do you think that that is, by law, too long?—I think it is. The customs of our nation with regard to fashions of dress have so altered since the year 1800, that I think some change would be desirable and beneficial in this direction. We find that garments now in 12 months' time are completely changed in fashion. We find that, as regards dresses (or "gowns," as we call them), or mantles, or coats, or waistcoats, or things of outside wear, that the change is altogether complete, both in material and in shape, so that they are quite unsaleable, and people will not redeem them, but leave them in our hands. Again, we find a great difficulty with regard to what I would call

ll the depreciation, or we will say the fluc-ations in any staple commodity. We may ke the cotton trade or the woollen trade, or ything, it does not matter what, but the cotton ade would be a very fair illustration. During e cotton famine, we found that goods went up ry rapidly in price; and we found also that ople who had pledged things for some time eviously, came and asked us for an extra ad-nce on those goods, and justly, because the ticles had risen in value, and were selling for larger amount. People frequently came to me d said, "I want this article brought down, and want you to lend me more on it." If I had id, "No," they would simply have borrowed the oney, or pledged something else and redeemed , and would have gone somewhere else to re-edge it for a larger amount; but this increase value did not cause any benefit to us when ose things were redeemed, because at the time redemption, people either sold their interest in e things by selling the ticket, or they redeemed em and sold them; so that we were not gainers any material extent by the enhanced price of e cotton goods during the cotton famine. But r the last four years during which the tide rned, when we were working against a falling arket, when cotton goods dropped, say, 50 per nt. in 12 months, we were altogether losers, cause we could not compel them to redeem. I now, theoretically, we have a power of redemp-on in the Pawnbrokers' Act. The Pawnbrokers' ct says, that if the pledge do not realise the mount of the principal lent and the interest hereon, you may sue the pledger for that mount; but we can never sue the pledger r the amount. The pledger has not what ould redeem it; so what is the use of ur going to law with him? we must simply ffer the loss. When the prices of those com-odities were deteriorating, we had them all left n our hands, and there we have suffered, and I ave myself suffered, during the years of the alling market in the cotton famine, through he 12 months' forfeiture, in some cases to the xtent of from 50 to 100 per cent. But if we ad had a six months' forfeiture, or a shorter ime of forfeiture, we should not have suffered hose 12 months' deterioration, but only six months' deterioration, and therefore if we suffered o the extent of 50 per cent., we should only ave suffered to the extent of 25 per cent.; so hat on that score I think a six months' forfeiture s desirable. More than that, it is desirable on ther grounds; it is desirable for the public good. It is an old saying in Manchester, on Monday mornings, when landlords go for the rent, and the people cannot pay it, "Well, if you cannot pay ne week you cannot pay two;" it is so with the Pawnbrokers' Act: if people cannot pay six months' interest, they cannot pay 12 months' nterest, and there are many people, I believe, who are obliged to leave their goods in the hands of the pawnbrokers, when the end of the 12 months arrives, who would not leave them if hey had the option of a six months' forfeiture. If a man has a watch in for 1 *l.*, at the end of 12 months he has to pay 4 *s.*; he cannot pay it all n a lump, but if it was only 2 *s.*, he would be in many instances able to pay it. Sometimes when I have found that people could not redeem their goods (we all like them to be redeemed), I have said, "Well, if you cannot pay me the whole of the amount, you may perhaps pay me a part of it," and I have actually taken it by instalments, so that the people may have their goods kept for them. I believe that a shorter time of forfeiture, say, a six months' forfeiture, would be exceedingly beneficial, both to the pawnbroker and to the pledger.

934. What is the extent of your business in any given time?—I think that from the 1st of August 1867 to the 31st July 1868 I had 76,603 pledges.

935. Do you know how many of those were under 2 *s.* in value?—I went over several weeks' pledges, and I found that about 24 per cent. were under 2 *s.*

936. Can you give an estimate of the cost per pledge of carrying on the business?—I cannot. We in the provinces carry on our business in rather a different way, perhaps, from some large firms in London and other places. My business has been principally conducted by myself and my wife and my children, and I cannot tell exactly the cost per pledge. I have never been compelled to keep an account of income and expenditure, and I have just simply been working for the last 20 years, and doing what I could, but I have not yet become a rich man. I believe that, from gentlemen who have gone into that question, you have heard that the cost is about 2½ *d.* per pledge, because there is the appraising of the pledge, and there is the folding of it up and putting it away, and the warehouse room, and so forth. I daresay that the calculation of 2½ *d.* per pledge is not far from the mark.

937. Do the people in Salford generally give their name and address when they pledge their goods?—Of those who come regularly we know the names and addresses as well as they do themselves. We see their faces, and we know that their names have been such a name at one time, and that it must be the same again. There are others whom we call strangers whom we do not know, and we ask them their name, and I think they scarcely ever give us a correct name. I know people who have pledged with me for the last six or seven years, and I have found that their names have been quite different names from those in which they have pledged. People generally pledge under an assumed name.

938. Is there any difficulty in ascertaining whether the persons pledging are housekeepers or lodgers?—I do not think they would give us a correct answer if we asked them.

939. But do you ask them as required by the Act?—We do not ask the questions prescribed by the Act because, perhaps, if a pawnbroker began, and asked those questions for twelve months, he would find that there was no practical result in asking them, and it would fall into disuse. If the questioning be very close, as it is, if strangers come in, as to where they live, what their names are, whether they are the owners of the articles, and whether they are householders or lodgers, they begin to look if you ask them all those questions, and say, "Do you think I have stolen it?" If the people are people of a modest turn, and have not pledged before, they feel thoroughly ashamed and disgusted, and I have known them so disgusted that they have gone out, and sometimes their eyes have filled, and they have burst into tears. They feel that those questions are to a certain extent degrading, and that is, in many instances, the result.

940. Do the people who make pledges take any interest in having the endorsement on the

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pledges as to the amount of interest which they pay when they redeem the pledges?—Oh, no; all they want is to get the pledge, and pay the money due.

941. Do they ever look to see whether the right sum is written down by you on the pledge ticket?—No, not at all; that is at the time of redemption. They want their pledge, and they get their pledge, and that is all they want.

942. Have you had any question arise afterwards in which it is necessary to refer to the entry of the charge?—Never once; with regard to the endorsement, I never remember an instance in the 20 years that I have been in the trade.

943. Have you ever had occasion to give people into custody for not answering or otherwise, when they come to pledge goods under the Act?—I remember once or twice giving people into custody when they have brought goods which I suspected of having been stolen, but it is always rather a risky affair; if the person happens to be criminal you are all right enough, but if he happens not to be criminal, you are liable to an action for false imprisonment; one or two of my fellow-tradesmen in Manchester have had to sustain actions at their own cost, simply from the fact of detaining a person, and saying, "I believe this article to have been stolen." I remember that in one instance a watch was offered in pledge, and the pawnbroker said, "We have information as to this watch; we shall be obliged to detain you," and he sent for a policeman; the policeman took the man to the office, and on further examination, it was found that the number was incorrectly copied into the book, and that instead of being 3,241, we will say, it was 2,341, or something of that kind, and the watch was not a stolen watch. An action was entered against the pawnbroker, in the Salford Court of Record, and the Pawnbrokers' Association had to sustain it, and it was the cause of a great deal of difficulty. I think that the watch committees of the various towns really should, when pawnbrokers do all they can to further the ends of justice, see that the pawnbrokers should be at least indemnified from any legal proceedings on the man's part, and that they should assist them more than they appear to do. I remember myself having a watch offered that exactly answered to the description of one as to which information had been given to the police. I detained the watch, but not the man, and I had a very ill-looking fellow coming backwards and forwards for nearly a day before the police would come to me and assist me in the matter; and when they came they said, "We are not quite sure whether it is the watch or not," and we were obliged to give it up. That will show that we are obliged to be exceedingly careful as to giving people into custody. I have found some difficulty about that, so that we are always exceedingly careful how we undertake such things.

944. You think that if you are required to do this police service you ought to have the indemnity which the police have?—I think so.

945. Are your pledges for the most part redeemed, or what proportion of them are forfeited?—I am always at the counter myself, and I believe that every pledge which comes in goes under my own eye, except to-day. The amounts forfeited are about four per cent., I think, on the number; that is to say, that four out of every hundred pledges are left, or, I think, about three and a-half per cent. on the amount; that is, for every hundred pounds of goods taken in pledge, about 3 *l.* 10 *s.* are forfeited.

946. Do you gain or lose upon the sale of your pledges on the whole, as compared with the amount which you lend upon them?—It would depend upon how they are sold.

947. But as a matter of fact, do you gain or lose upon the sale of your pledges?—I think I just get about my own money. For instance, if I sell them over the counter, I perhaps realise a small sum, say, 10 per cent. on the amount lent. But if I have to sell to dealers, as I have on certain things, I lose upon those, so that I simply strike a balance, and I do not think that I either gain or lose.

948. Is there any difficulty in country pawnbrokers selling the goods by auction, as required by the Act?—I have never sold by auction but once.

949. What do you do with the goods which you are required by the Act to sell by auction?—I either keep them the three years (for we are not obliged to give an account after three years), or I generally know who the persons are to whom the goods belong; we generally know our customers, and sometimes we lend rather more on a thing than it is worth, and we know perfectly well it will not be redeemed. But I have never had any difficulty with such transactions. I cannot tell you exactly the rule which I act upon; but I have never had but one sale by auction in the 20 years that I have been in business, and that sale by auction so disgusted me with the result, that I determined to run all risks, and make the best of the things for the future.

950. In fact, you make some special arrangement, so as to dispense with the sale by auction?—I do.

951. Do you know what is the practice generally in the towns of Salford and Manchester with regard to selling by auction?—Those who are in back streets and places, where they have no sale shop, are obliged to sell the pledges by auction; and they tell me that they lose sometimes as much as from 30 to 50 per cent. by those sales. Those who are in a good position in front streets, and have a good sale shop, can perhaps, sell those goods, and, like myself, realise about 10 per cent., if they can sell them themselves in the shop; but if we have to sell them to dealers, we, of course, have to sacrifice them.

952. Are there many efforts made in Salford and Manchester to deceive pawnbrokers by pledging goods which are got up for the purpose?—Yes. That is one of the most difficult parts of a pawnbroker's business. I have myself seen watches which have been got up with a gold rim and a brass body; and, in fact, I do not think it possible to imagine anything in jewellery, or anything of that description, which is not imitated to deceive the pawnbrokers. Again, there is a class of persons technically known by us as "duffers," who buy up old clothes and alter them. Last week I saw a cloth coat, which nearly escaped my observation, with just the wing of the collar let in with new cloth, and the coat had been rebound, and altogether got up. Perhaps the man had bought it for about 2 *s.*, and he asked me 8 *s.* upon it. I was nearly passing it, it had been so exceedingly well got up. It had been sponged with a solution, I believe, of logwood and copperas, and then gone over with a brush with oil in it, and for about an hour afterwards that gives it the appearance

earance of a new coat; but in 12 months' time, could quite well understand that one part of at coat would be black and another part blue. is a kind of thing as to which you would only y, "Done again!"

953. Mr. *Crum-Ewing.*] I thought that pawnrokers were not quite so green as to be taken with a thing of that kind?—Your opinion of awnbrokers is quite wrong. My opinion of awbrokers is, that they are just as other men.

954. *Chairman.*] Do many people come to you ter sales to inquire what their goods sold for?—I have never, that I remember, had a single pplication to know what goods have been sold r; that is to say, I refer especially to goods bove 10 *s.* in value, to which I suppose you lude. I have in some instances had people me for goods under 10 *s.* and they have said, Have you sold this? What did you sell it for?" ly answer has simply been that we are not bliged by law to keep a register of goods under 0 *s.*; but strange to say, I have never had an pplication for goods over 10 *s.*

955. Do you keep a table of the rates in your op?—Yes.

956. What sort of a table is that?—It is an bstract of the table of rates as in the Act of 'arliament.

957. Can the people make it out and apply it the ticket when they see it?—I do not think ey ever think about it. The fact is, that it is omething like this: if a person goes to a pawnroker's shop, say, to my shop, and I am a fairealing, upright, honest sort of man, who is wilng to do his business in an upwright way, there a sort of sympathy between us, and they can rust me; whereas, if they find that a man is not f that description they do not go to his shop gain. I think that people feel that if they are ot protected by something more than the mere Act of Parliament they will not go to the shop t all.

958. Is there any difficulty in dealing with lost uplicates?—There is; that question is rather a omplicated one. In fact, our practice is quite at ariance with the theory; and I think that it would e quite right to state here what our practice is n that respect. The theory is that if a person se a ticket the pawnbroker shall give an affiavit or form of declaration, and that he shall hen go to the magistrate and declare to the agistrate that the goods pledged at so-and-so re his goods, and that he has lost the duplicate, nd that he has not sold or disposed of it or lent as security, and that he now wants this declaation signed that he may give it to the pawnroker as an indemnity for giving him the goods. uch is the Act; but in practice I dare say I ive 10 pledges or more every week without any ffidavit or declaration of the kind. The theory s a good one, but it so happens that the bulk of hose pledges are wanted on Saturday night. If man come to me on a Saturday night for his uit of clothes he has pledged in the earlier art of the week and he wants them for Sunday, nd says, "I have lost my ticket, I want my lothes, what must I do?" I reply, "The proper ourse for you is to have an affidavit." But the an will answer, "Why give me an affidavit? cannot get the affidavit signed till Monday norning, and I want my clothes for Sunday; will ou not give them to me without you; have nown me sometime; you know I have lost it; ou know I will not do you any wrong?" My

practice has been in such cases to give the person his clothes upon his signing his name in a book for them, and agreeing that he will make a legal declaration when he is called upon to do so, and I have found that to act very well. It would simply mean keeping this person without his clothes for the whole of the week if that were not done.

959. Does that arise from your knowing the people who come to you?—It does; because I know the people who come to me. I have given, perhaps, on an average, 10 pledges in a week, and in that way, and have done so, perhaps, for 20 years, and I have never had any difficulty arising from it, but there has been a sort of an acknowledgment from the people that we are doing them a service.

960. Is it much the practice in Salford for people to pledge their clothes on Monday morning, and to redeem them on Saturday night?—Oh, yes; those are what I might call the typical pledges; those are the regular pledges. If you took those out of a pawnbroker's business, I do not think he would care very much about the rest; at least we should not in a manufacturing town like Salford.

961. Then a workman pays this enormous charge which he pays in the course of the year, in preference to saving money enough to keep his own clothes?—I am not quite sure that they look at it in that light. It is an accommodation, and I think that each transaction is judged upon its own merits. If a man wants some money on Monday morning, he borrows the money and makes the best use he can of it, and pays the pawnbroker at the end of the week for the accommodation of that money. I do not think that the people look upon it as a question of saving at all, because, if they pay me 2 *d.* for the loan of 10 *s.*, there is many a 2 *d.*, that they might save to their advantage. They might save the pawnbrokers 2 *d.* in tobacco, and beer, and so forth, but it is not so; it is part of their system.

962. Their system is not to accumulate so much even as 10 *s.* out of their wages to enable them to live through the week?—My business is on the confines of Salford and Broughton, and perhaps I am on the debateable ground between what we call the rich and the poor. My customers are of two classes, the operatives and those who have quarterly salaries; and I find that there is always an idea in people to ape the manners, and habits, and customs of the class which is above them. If a man gets 1 *l.* a week he wants to dress and look like somebody who is getting 2 *l.* If a man in a warehouse is getting 100 *l.* or 200 *l.* a year, he must dress and live like somebody who is getting 300 *l.* or 400 *l.*; so, in my experience, people always want to seem to be more than they are, and this leads to a system which, I think, permeates all classes and runs through the whole of our lives, whether it is done by pawnbroking or by mortgaging. There is a tendency for some people to assume to be more than they are, and they are always the people to mortgage, either their clothes or their estates, or something else.

963. Are those people, not destitute people, but people in regular work?—We do not care about destitute customers, those people who are coming down, and gradually descending and descending, who begin with pledging their plate, and end, perhaps, with pledging their shoes, these are not the people we want. We want

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people who pay us regularly from week to week; and, in fact, our trade is a regular one, and our profit is got where the money is lent and lent again, and not from the person who wants to get the money and leave the goods.

964. In point of fact, are the people whom you like and whom you get, workmen in regular work and with decent wages?—Yes, they are.

965. With regard to the charge which is made for the ticket under the subsequent Act, do you think that that is a sufficient charge to cover the expenses of receiving the pledge, and issuing the ticket?—I look upon what is called the charge for the ticket, as not being exactly descriptive of the affair. It is really for the appraisement of the goods. Now what we call the Halfpenny Act, was a very good thing for the pawnbrokers, it paid them, perhaps, to some extent, for the appraisement of the goods. We had nothing for the appraisement of goods under 5 *s.* then, and it is quite certain that nobody likes to work quite for nothing. Now we suffer a little, I think, because for goods of the value of 10 *s.* we have 1 *d.*, for 1 *l.* we have 2 *d.*; and I think that in justice it would seem that if 10 *s.* is worth 1 *d.*, and 1 *l.* is worth 2 *d.*, 15 *s.* is worth 1½ *d.* Besides, supposing that I had a parcel containing 100 articles pledged for 1 *l.*, if I looked at 100 of those articles, and they paid me 2 *d.* for them, and paid one penny for looking at 50 of them, it would seem but right that for 75 of them I should be paid 1½ *d.*; so that I think that ½ *d.* for 5 *s.*, 1 *d.* for 10 *s.*, 1½ *d.* for 15 *s.*, and 2 *d.* for 1 *l.*, would be equitable for the appraisement or ticket money. When the Legislature gave us the halfpenny for the 5 *s.*, I believe it was only a misunderstanding, and that they forgot to put another halfpenny on for the other 5 *s.*, so as to make 1½ *d.* for 15 *s.*

966. Is it your view that there should be a halfpenny for every successive 5 *s.*, or that the accumulation of halfpence should stop at 20 *s.*?—We now have it 2 *d.* for 20 *s.*, for 5 *l.* we have 4 *d.*, but we have no break between the 2 *d.* and the 4 *d.* I think it would be more equitable if it were more evenly distributed.

967. In a certain rate per 5 *s.*?—In a certain rate for 5 *s.*, or in any other manner which might be decided upon; but we jump now from 1 *d.* for 10 *s.*, to 2 *d.* for 1 *l.*, and we then go from 2 *d.* for 1 *l.* to 4 *d.* for 5 *l.*. If it were more equitably distributed, I think it would be more just. Besides, it does not seem to me to be reasonable that for 4 *l.* 19 *s.* we should only be able to charge 2 *d.*, while for the other 1 *s.* we jump at once to 4 *d.*

968. Are there any regular establishments in Salford or Manchester, to your knowledge, where illicit pawnbroking is carried on?—It has been greatly reduced of late years, but there are some still. They used to be very numerous, but, as I daresay, the Committee are aware, an Act of Parliament was passed especially for their suppression; and I believe it has done a great deal of good. But at the same time, this has been only of a prohibitive kind; it has dealt with the thing in a sort of negative form, and it has said, "You shall not do a certain thing; you shall not take in this bag of mussels; you shall not take in this rain tub; you shall not take in this three-storied ladder; you shall not take in this feather bed, or this chest of drawers, or this hand cart, unless you look upon it as a pawnbroking transaction, and charge according to the pawnbroking rates." Those people who have those things to pledge, must pledge them, or else they must suffer a great deal of injury, and they go to the illicit pawnbroker; by the Legislature simply saying, that these things shall not be taken in by the regular pawnbroker, except at the fixed scale, for the people will pledge them, and must pledge them, whatever the penalties are; and the illicit pawnbrokers will continue, so long as there is no legitimate outlet, for those kind of pledges. Though the Act for the suppression of "dolly shops," or "wee pawns," or whatever they are called, has done a great deal of good, still they will exist, I believe, so long as the cause is not removed, and some way opened for a legitimate trade of this description. If a person goes to one of those places now, he has to pay more, because they have more risk to run, and there are special penalties.

969. Then you think that in the end, the person who borrows has to indemnify the person who lends for the penalties which are imposed under the Act?—He has.

970. Mr. *Orr-Ewing.*] Did you begin the pawnbroking business on your own account and of your own choice?—Yes.

971. You are not one of those gentlemen who have gone into a bad trade as a heritage. Is it a trade which has increased much in Manchester of late years?—I think not. I do not think that pawnbrokers have increased with the population of Manchester.

972. Can you give us statistics of how many pawnbrokers you have in Manchester now, including Salford?—I cannot give statistics, but I think we have about 70 in Salford, and I think that perhaps altogether in Manchester and Salford we have about 300; but my own knowledge of certain districts leads me to the belief (and I think that the tables of the census of the population will bear me out), that pawnbroking has not increased in proportion with the increase of the population.

973. How many were there 20 years ago?—I cannot say; Manchester and Salford have increased so rapidly within the last 20 years.

974. Do you give the opinion, that you do not believe the trade has increased, upon no facts at all?—Upon my own observations.

975. But how can you make an observation if you do not know the figures?—I can see a certain district, and I can see that this district has increased three or four or five times. We have had whole suburbs in Manchester and Salford entirely built, and I can find perhaps that in all these suburbs there are not more than three or four pawnbrokers, except what we call the old pawnbrokers; men and places that I have known for a long time; but I have found that all they have done has been simply to move outside. For instance, we have a street in Manchester called Shude-hill. I remember perhaps, 20 years ago that in Shude-hill there were five or six pawnbrokers, and now there is not one in Shude-hill.

976. Have they given up the business?—Some of them have given up, but they have mostly gone outside, because pawnbrokers' shops can only exist in certain places where there is a certain population who pawn. For instance it would not be much use setting up a pawnbroker's shop in the middle of the square outside the Houses of Parliament, because nobody would come there.

977. Do you give it as your decided opinion that

that the number of pawnbrokers has not increased in Manchester and Salford, during the last 20 years?—I do not think it has increased in the same ratio as the population.

978. But has the number increased?—The number of pawnbrokers has increased, but I do not think they have increased in the same ratio as the population.

979. But they have increased very much?—They have increased.

980. Would parties have gone into that business if it had not been remunerative?—I think they would.

981. Do people often go into a business even though they know that it will not be remunerative?—I think it is a sort of speculation; I have never found a person who could go into any business and say that it was certain to be remunerative.

982. And therefore I suppose, like horse racing, they sometimes win and sometimes lose?—Yes; everybody has an idea that the pawnbroking business is exceedingly remunerative and they do it because in the Pawnbrokers' Act, a pawnbroker's profits are laid down. For instance, I, as a pawnbroker would lend a pound for a month or for five weeks, which is the legal time, for 4 *d.* If I were to lend a man 30 *s.* on a watch for a month or five weeks (for there are seven days' grace), I should get 6 *d.* for that transaction. The butcher says, "You are getting rare profits, you pawnbrokers," but I have said, "You have bought a sheep for 30 *s.*, would you like to have all the trouble with that sheep, and to sell it at the end of a month or five weeks for 30 *s.* 6 *d.*? Would you like to say on Saturday night, when you had cut up that sheep and weighed it, that you had got 6 *d.* for your investment?" "Oh, no!" he said. "Well," I said, "what do you think I get for the loan of a pound?" "Why," he replied, "I suppose you get 3 *s.*"

983. Do you know any butcher that kills 76,603 sheep in a year?—I do not know of one.

984. Is not that the number of your pledges?—Yes; but those are pledges, not sheep.

985. *Chairman.*] You say that you sell 76,603 bits of sheep in the course of the year?—Yes, I do.

986. Mr. *Orr Ewing.*] What is the rent of your premises?—£.45.

987. Do you agree with some of the gentlemen who have been examined before this Committee, that the pawnbroking business is not remunerative?—I believe it is only remunerative (to me, at least) by my working very hard, and by members of my own family working in it. In point of fact, as I stated before, I have been 20 years in pawnbroking, and I have not become a rich man.

988. You make a little profit, I suppose, besides your rent and expenses?—I have never gone into the calculations; in fact it would be so complicated that really I could not afford to go into the question. I should have to keep my accounts more strictly than I do, and I have never gone into the calculations.

989. You have agreed with the evidence that 2½ *d.* per pledge is a fair estimate of the cost of rent and management?—I have no doubt of it, so far as the gentleman who made it is concerned.

990. Are you aware that that, on the number of articles that you pledge, amounts to 797 *l.* 18 *s.* 11½ *d.*; and that, deducting 45 *l.* from that, would give you for the expenses and management 752 *l.* 18 *s.* 11½ *d.*; are my figures correct?—Yes.

991. And you manage the business entirely amongst your own family, yourself and your wife and children?—Myself and my wife, a son, a niece, a shop boy, and an assistant.

992. Are they all in your family?—All but the shop boy and the assistant.

993. And you make a profit over and above this, I presume?—I manage simply to get a living; I do not do any more than that.

994. But is not 752 *l.* a very good living for yourself and your family, besides the profit of your business?—I did not say that we got that.

995. Does not the result of your own figures bring it out?—No, those are the expenses that have been assumed, I think.

996. But I thought you corroborated the gentleman who gave that evidence?—I have no reason to disprove that as to the amount on his pledges.

997. *Chairman.*] You do not employ anybody?—An assistant and a youth.

998. Mr. *Orr Ewing.*] You stated, did you not, that you have great difficulty with the parties that come to pledge with you, because of their ignorance?—Ignorance of the rate of profit.

999. Are they unable to calculate?—They are unable to calculate interest. I do not think that if I were to begin at the beginning of this table, and to go the round of all you gentlemen with regard to the fractional parts of months and moneys at 20 per cent. you could give me a direct answer to the question, though I am assuming, perhaps, more than I ought to assume.

1000. Are they not also very needy and poor people?—No, the very needy and poor people, as I stated, are not the people whom we care about dealing with. We want people who have something. It is no use dealing with those who have nothing.

1001. You do not like to deal with the poor people; you would rather deal with persons in the receipt of regular wages among the working classes?—Yes.

1002. You mean men who are earning good wages?—Take the case of a shoemaker. A shoemaker brings a pair of shoes to me, and he pledges those shoes for the sake of getting the leather and materials to make another pair of shoes, perhaps. When he has done that, he pledges that pair of shoes, and he gets the materials to buy another pair, and so on. If he makes five or six pairs of shoes, the pawnbroker has those shoes in pledge, and on Saturday the man can come and take the shoes to the shoe market and sell them for a proper price; and then he is able to go on again, and he comes back again, perhaps, at the beginning of the next week. The same holds good with regard to small tradesmen and small shopkeepers. A shopkeeper comes who has a little pecuniary difficulty, such as a bill to meet, or an account to settle, and, perhaps, sooner than give a three months' bill and forfeit the discount, he would part with his tablespoons or whatever he has to part with.

1003. You provide capital for men who want it at once?—Capital to all persons who are in pecuniary embarrassment.

1004. I thought you described as the principal supporters of your pawnbroking establishment, men who were ambitious to rival their neighbours who are a little above them?—I assume, or at least

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least I find in Salford, that that is common to human nature.

1005. What is the lowest amount that you give upon the pledge?—Sixpence is the amount we generally consider our lowest. We are allowed a halfpenny for each ticket but if a person comes to offer the pledge which is brought forward as the lowest pledge of all others, viz.: a flat-iron, (we do take flat-irons, sometimes) for that we lend 4 *d.*, and for that we do not charge the halfpenny allowed by law. But 6 *d.* may be taken as the lowest pledge which it is worth a pawnbroker to take.

1006. What proportion of your pledges would be below 6 *d.*?—I have not gone into that question, but, perhaps, two per cent.; not that I should think.

1007. How many may you have at 1 *s.*?—I might have gone into that question, but I have not done so. I have a statement with regard to those under 2 *s.*, I think.

1008. Then how many have you at 5 *s.*?—That, I cannot say.

1009. What is the highest amount that you lend?—£. 10.

1010. Do you not go above 10 *l.*?—I do not go above 10 *l.*, except by special agreement.

1011. Have you many at 10 *l.*?—No, not many.

1012. What is the proportion under 10 *s.*?—Perhaps, I could best answer that question by telling you that the average amount per pledge is 4 *s.* 3 *d.* I am not quite sure, but you may safely assume it at 4 *s.* 3 *d.*

1013. What is the number of pledges upon which you advance below 10 *s.*—I could only give a rough calculation, but I think I might say, 80 per cent. or 90 per cent.

1014. Do you think that where the amount which you contribute to the people who pledge with you is so small, it can be of much advantage to them, either as capital for their business, or as enabling them to rival their neighbours in good appearance?—The average of 4 *s.* 3 *d.* per pledge, would imply, that if we take some at 6 *d.* (there are some higher), it evidently accommodates the public. We find that people do come to pledge, and I suppose they find it an advantage to do so.

1015. Do you think that pawnbroking as a trade is beneficial to the public for sums below 5 *s.*?—Yes, I think it is of very great advantage.

1016. Do you think that it relieves their distress?—Yes, because people can only pledge what they have to pledge; and if people have only articles under 5 *s.* in value they can only pledge such. I believe that while people of larger means would pledge sometimes for extravagancies and for matters that they could do without, yet of people who pledge under 5 *s.* I believe it may be said that they pledge a good deal for the necessaries of life.

1017. You stated, did you not, that you had great difficulties in getting the proper names of parties who come to you, and that really you did not often ask them?—We do ask them unless they are regular customers.

1018. I think you stated that sometimes when you asked the names they left the shop?—Pardon me; you are under a misunderstanding. There are a series of about 10 questions if you consult the Pawnbrokers' Act. You ask, of course, do you want to pledge? What have you to pledge? Is this yours? What is your name? What is your Christian name? Are you a householder or a lodger? Where do you live? What street? What is the number of the house? and so on. Now people can rarely stand all that. People who are accustomed to pledging may say, "I will not stand all that;" and if they are not accustomed to pledging, if they have come perhaps under pressure of trouble, they simply would burst into tears, or they would leave the shop in disgust, just according to the disposition of the person.

1019. Do they endeavour to conceal their names?—They nearly all endeavour to conceal their names.

1020. You stated, did you not, that they felt it to be degrading?—I assume so; they conceal their names; I assume, because they feel that to be poor is construed by many almost to be a crime.

1021. Would a poor person going into a baker's shop asking credit for a loaf, feel the same amount of degradation?—I cannot tell.

1022. Do you think that the money which you generally give to those poor people goes to purchasing groceries, or does it go to the spirit dealers?—I do not think it does; I know very many persons who pledge, who I do not think ever taste spirits, and who pledge for small amounts too. I have no doubt, that there are people who make bad uses of the money that they borrow of pawnbrokers, the same as they would make bad uses of money obtained from any other source; but, I presume that, in that case, we are in the same position as a man who sells guns and pistols, and gunpowder. The people come to us, and they offer a security, and I do not think we have any influence on them beyond that; I think it is a prejudice to suppose that most of the people who pledge, pledge for the sake of drink. Some may do so, but I believe it is the exception.

1023. Is it not the fact, that shopkeepers, grocers and bakers generally give credit to the working classes?—Shopkeepers charge more for such credit than the pawnbroker does for the loan of his money; there is a baker who lives next door to me. I am going to tell you something now against the law. I open my shop on Monday mornings at six o'clock. We ought to open at seven, but no matter, we do open at six; the baker opens at six o'clock too, and he says, "All the money I draw on Monday morning I draw from your shop."

1024. Does he sell any beer?—He does not sell any beer.

1025. Is it not the law that spirit dealers cannot give any credit, and that if a man contracts a debt for spirits, with a spirit dealer, the dealer has no right in law to pursue the debtor?—I do not know the law as to spirit dealing.

1026. In answer to the question, whether he did not think that the law should interfere to protect the working classes from pledging their body clothes and bed clothes, Mr. Hardaker stated that he did not think it would be beneficial, because they would immediately have recourse to the beer shops and dolly shops; do you agree with him as to that?—I assume that it is so. The people can only pledge what they have to pledge.

1027. But do you agree with him that it would be of no use to alter the law?—Not the slightest: for instance, if they have an article which is only worth

worth half-a-crown to pledge, and they want food, they cannot eat the article, and they must have food; and if they cannot raise the money with pawnbrokers they must raise it somewhere else; in short, they must have it.

1028. Do you think the keeper of a beerhouse will give them money for it?—It has been the practice, to my own knowledge, for people in beerhouses, before this "Wee Pawn" Act, or "Leaving House" Act, to lend money on goods on which pawnbrokers would not lend money. I have known many instances where people could not get money from me on account of the article being of a bulky, or brittle, or perishable kind, and the beerhouse keeper, so acting as an unlicensed pawnbroker, has advanced money on the article.

1029. Is not that quite against the law?—It is quite against the law.

1030. Are you in favour of a higher license on pawnbroking?—For my own part, I would not care what the license was; I am quite content with it as it is, but I feel that whatever amount of license you put upon a pawnbroker, you really in the end put on the public, because his charges in one of two ways must be borne by the public. If you leave pawnbroking at the present rate of interest, and put him at a higher rate of license, then he must manage so to lend on his goods that his trade must become exceedingly limited, and people must suffer in that respect. If you left it as it is, the public would have to pay what they have to pay; but whatever you put on with regard to the license it must come out of the pledgers, because the pawnbroker would have to get a living in some way or another; I do not think, therefore, it would be any benefit.

1031. Do you think that it would be any improvement to give power to the magistrates to grant licenses to pawnbrokers, as we do in Scotland in regard to spirit dealers?—I do not think it would, because in small places there is always, unfortunately, a good deal of political prejudice, and men are apt to degenerate into cliques. Supposing that you put the licensing of pawnbrokers into the hands of the magistrates, I think it would happen that those men would get the licenses who happened to be of the particular political clique that was then in power.

1032. Do you think that the inhabitants of this country are now such strong politicians that they are more influenced by that than by the social bearings of public questions?—I may state, as an illustration, that in the Salford Council we have a majority of Conservatives; a man who was exceedingly active in our parliamentary canvass, and who engaged a number of what Mr. Baron Bramwell, I think, called "gladiators," or "pugilists," after working very hard for his party, was rewarded at the last council but one by being made an overseer or superintendent of the scavenging department I believe that in Salford party politics run so high that party political prejudice would rise above everything; and if we had a distribution of licenses to pawnbrokers upon that score, I believe that those pawnbrokers would get licenses who happened to belong to the predominant political party, and that the others would not have to go on their merits. That is my opinion, and other facts bear it out.

1033. Is freedom of contract between the pawnbroker and the parties with whom he does business desirable, in your opinion?—Yes, I think it is desirable.

1034. Do you think that the poor people who come to you and pledge their articles for small sums, such as 1 *s.*, 6 *d.*, 4 *d.*, and so on, are in a sufficiently independent position to deal with the clever men in your profession?—I do; I believe the Almighty has endowed every one of His reasonable creatures with common sense.

1035. *Chairman.*] Without going to the Almighty, you might say that if the people are free to buy the goods, they are equally free to sell them again, or to pledge them?—Yes; I believe that some of the sharpest bargains would be found to be made by people who are what we may call working people.

1036. Do you think that, as a matter of fact, they do understand what they are doing when they pledge goods worth 7 *s.*, getting 2 *s.* upon them?—Most certainly; they are as capable of knowing what they are doing as you or I can be.

1037. Mr. *Orr Ewing.*] Then they must be more intelligent than the tenant farmers of Ireland?—They are quite intelligent enough for that.

1038. Mr. *Thomas Hughes.*] You say that false names are often given you, has any harm come of that, so far as you know?—It causes a great deal of inconvenience; for instance, supposing that a person comes to me and says, "My name is So-and-so; I have pledged an article," and then I ask him, "What name is it pledged in?" and he says, "I do not know what name it is pledged in; I gave you some name at the time, but I really forget what the name was," and so we have sometimes particular difficulty in finding out what the name was that the article was pledged in. Then there is perhaps some difficulty about the declaration, and after all, no good can come of giving a false name; but harm does come, as we frequently tell them; still they are so ashamed of being in want of money that we cannot help it.

1039. You say, do you not, that about 4 per cent. upon the whole of your pledges are forfeited?—About 4 per cent. on the whole of our pledges are forfeited.

1040. Do you think that that is a fair average upon the whole of your neighbourhood?—I think that I am below the average.

1041. Are you aware that the London average has been given as far higher?—Yes.

1042. In general, do you think the average reaches anything like 20 per cent.?—I should think not for all goods.

1043. You say that you have a habit of allowing persons who have lost their duplicates to redeem their pledges upon signing a book, and agreeing to obtain a declaration; have you ever found any inconvenience in that; have you ever been deceived?—I have been deceived only once, I think.

1044. And you find that a far more convenient method of carrying on business for yourself and your customers?—Yes, much more.

1045. Do I rightly understand you to wish for perfectly free trade (as it has been called before) with regard to low pledges, or do you think that the fixed scale which you have suggested would be sufficient, without allowing special contract as to low pledges?—I should like to be paid for work done. I would suggest that we should be allowed to make our bargains for articles, not being watches or jewellery or wearing apparel.

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1046. In fact, for all perishable or bulky articles?—Yes, for all perishable articles or bulky articles or brittle articles.

1047. But you do not object to a fixed scale as regards watches and trinkets?—It would fall into it. Competition would make the fixed scale.

1048. Mr. *Montague Guest.*] I understood you to state that you have had only one auction in the last 20 years?—I never had but one auction.

1049. According to the Act you are bound to sell, by public auction, all goods on which any sum above 10 *s.*, and not exceeding 10 *l.*, shall have been lent; is your practice an evidence of the law?—Most certainly it is. Without doubt it is an evasion of the law, or at least it is a non-compliance with the law.

1050. Then, according to that, as far as I understand, there are three evasions of the law; one being with regard to the ticket, another with regard to opening the shop before the time mentioned in the Act, and a third with regard to not having auctions; is that so?—Yes.

1051. Is not that a proof that the Pawnbrokers' Act is not carried into effect in the country in the way in which it should be carried into effect?—Quite so; I might not only say that I have made three evasions, but that I could not point my finger to any section of the Act which is carried out strictly by pawnbrokers. With regard to auctions, I think I explained exactly how I managed the auction pledges. After the termination of three years, we are not obliged to give any account of them. If there were a pledge that I did not know anything about, as regards the people to whom it belonged, I should most likely keep that for the three years if it was a watch or spoons, or anything that I thought they would come for, but if I knew the people to whom it belonged, as we do in a place like Salford, where we know all about the name, and all about the address, almost as well as they know ourselves, I might safely say to them, "Here, we have this article of yours, are you ever going to take it?"

1052. I have no doubt that being a straightforward man you would very likely give the people an opportunity of redeeming those pledges; but do you not think that if that was carried out as a general rule in pawnbroking it would lead to a great deal of robbery of the working classes, and that pawnbrokers would never think of keeping their pledges for the three years, so that it would entirely obviate your being asked for the overplus, if there was any overplus?—I assume that if the people want the goods they will generally come before the expiration of the time and make some arrangement as to either paying the interest of it and renewing the ticket; or, if they thought it was worth more than the amount lent, they would negotiate with some person for the purchase of it.

1053. Do you keep your books every day, as the Act requires, or do you infringe the law in that way?—We keep the book exactly as the Act prescribes.

1054. You have no sale book, have you?—We have no sale book; we do not sell.

1055. Mr. *Ridley.*] Did I correctly understand you to state in the earlier part of your evidence, that you were content with the present scale of a halfpenny for half-a-crown, and so on, upwards?—Yes; I could do with that very well. If a person asks me how he must calculate this interest, I always say, "You must calculate a halfpenny for every half-a-crown, or part of half-a-crown."

1056. Do you consider that sufficient?—I think it would pay me.

1057. You stated something about making 10 per cent. I did not clearly understand whether it was upon the sale of forfeited pledges or upon your general business?—When I sell unredeemed pledges over the counter to people, singly, I daresay I can make 10 per cent. on the amount lent on them; but if I sell them to dealers in old clothes, I daresay I lose about that much per cent.; but I think I get about my own money back again.

1058. Do you find in practice that you have to refuse a great many articles of a bulky, brittle, or perishable nature, such as you have described?—A great many, continually.

1059. Do you happen to have any pawn duplicates that you could show to the Committee?—I have not.

1060. What do you specify on the ticket, generally?—According to the requirements of the Act of Parliament.

1061. Do you specify the time within which the pledge is to be redeemed?—It says, "all goods forfeited within 12 months," but, I think, that is quite superfluous, because every Englishman is supposed to know the law, and London pawnbrokers do not state that. It is not necessary.

1062. Could you give the Committee any idea of the amount of capital that you have invested in your business?—It fluctuates from about 2,500 *l.* to 3,000 *l.*

1063. And your expenses are about 790 *l.* a year, exclusive of rent, according to your figures?—I cannot give any figures as to that, for I have never made any calculation.

1064. But you say, that the number of your pledges in the year is 76,000; and you have said, have you not, that you thought it was a fair estimate in your business, as in other businesses, that your pledges cost you about 2½ *d.* each?—I am not able to go into those calculations, because I have never made them; but I have no doubt it will cost something like that.

1065. Mr. *C. H. Mills.*] You balance your books every year, I suppose?—I do not.

1066. You have talked about wanting a higher rate of interest on certain fragile, perishable, and bulky goods; are you not satisfied with 20 per cent.?—I want simply a bargain, and so much per month.

1067. Is not 20 per cent. per annum sufficient?—That is only 1½ per cent. on the transaction. For instance, supposing that you brought to me this table, in front of me, to pledge, and you wanted me to lend you 2 *l.* on it, though I daresay it would be rather an awkward thing to sell, I would say, "I cannot take that table for 8 *d.* a month"; if I must pay the rent of a room to keep that table for 8 *d.* a month, it would not pay me at all.

1068. But is not the payment for the ticket, which represents the warehousing, sufficient?—No, that is for the appraisement, for examining the goods, to see if that is the sufficient value. What we call the ticket-money is really, I assume, the appraisement money.

1069. But the judging is part of your business like anybody else's when they buy; and it is almost part of their capital in trade, is it not?—No; I think we generally consider that the ticket-money is for the appraisement of the goods, and

and that the interest is for the loan of the money.

1070. That is so much for your judgment then?—Exactly, so much for our judgment.

1071. But surely you should not be paid for exercising your judgment; does anybody else who is engaged in trade receive payment for exercising his judgment?—Perhaps not directly.

1072. Is not the ticket-money paid for the expenses of warehousing and taking in?—Not so; because the ticket-money increases according to value and not according to bulk. If it were for the warehouse room, the ticket-money for an article, one foot cube, would be a halfpenny; and for an article three cubic feet, it would be more; and for an article nine cubic feet, more, and so on in proportion to the number of the cubic feet that it contained; but the ticket-money increases according to the value; so that it is quite evident that the ticket-money is intended to be proportioned to the value of the goods, and not to the bulk of them.

1073. Do you find that the small pledges, and particularly those which are put in on Monday and taken out on Saturday, pay very well?—Yes; they pay the ordinary rate of interest, and I consider them the best pledges.

1074. Are you aware that some of the previous witnesses have stated that that is the worst class of the business?—Of course you have a great deal more work with those which come in every week, but we have less risk decidedly.

1075. How do you mean that you have less risk?—We have no loss if they redeem them; and if they redeem them nine times, we assume that the tenth time they will be redeemed.

1076. Do you not think that it would be a good plan if the endorsement were put on the ticket, when you issued it, instead of its being endorsed when you took it in?—It would be a very good plan I think if, instead of having under the Pawnbrokers' Act a fixed rate of interest, it was stated on the face of every ticket, that this article would remain in pledge for whatever time it might be for six months, for two months, or for three months; and that for three months you should pay 1 *d.* or 2 *d.* a month, or whatever rate it might be. I believe that that would be intelligible to the pledger, and would save him a great deal of trouble, because everybody who comes to redeem a pledge says, "How much is it?" whereas everybody would know that if it were redeemed in six months, it would be 1 *s.*, or if in three months, it would be 6 *d.* I think that would be a very good thing indeed, and that it would simplify it very much. It is one of the things that I am exceedingly anxious we should have altered; it is just the thing I want.

1077. The pledger hardly ever sees the indorsement, I suppose?—We never do indorse the tickets. If we indorsed our tickets, it would take one person's time to do nothing else but to indorse them. When I began the trade I tried to do two things; in fact, I tried to keep as near the Pawnbrokers' Act as possible. I tried to write off every bundle which was given out, and I also tried to pay everybody the farthings, and to take farthings in interest. The first thing was that to check those things off, to see that they were delivered at such-and-such a time, took nearly one person's time, and no good came of it. In fact, it was simply time wasted. Then, as to paying the farthings, I paid farthings for eight months. If I asked a person for a farthing, he would say, "What do you charge me more than anybody else for?" People could not understand that I was charging a farthing less, and they said, "We don't want those farthings. We know perfectly well that if you take in a pledge for 3 *s.* it is worth a penny for the first month, that for two months, it is three halfpence, for three months two-pence-halfpenny," and so on. The people could understand that; but when I went, according to the scale of interest which is prescribed by law, people were always bothering me to explain how it could be.

1078. Mr. *Montague Guest.*] If you could not go on paying the farthing you made it up to a halfpenny, I suppose?—If they came and made a bother about it, I should give them the halfpenny. Otherwise I should not give them the farthing.

1079. Mr. *Hambro.*] Do you wish the Committee to understand that the pawnbroking trade is the only one in which free contract is not allowed?—No; I did not say so; but I believe it is the only trade.

1080. *Chairman.*] Do you think that the pawnbroking trade should be an exception to the rule?—I have not drawn any comparison between pawnbroking and other trades. I am only speaking as to how free contract would bear upon pawnbrokers.

1081. Mr. *Hambro.*] If the law allowed you to make free contracts, should you have any objection to a stamp duty on your special contracts under 10 *l.*?—I should have no objection; but I should want either increased interest or profit to pay it, or the pledge would have to pay it. I think that pawnbrokers are exempt by law from stamp duty.

1082. But if by this Bill you proposed to have special contracts, then you would come under the law of stamp duties, as I understand?—That would not be a question for me.

1083. But you see no objection to it?—Not the slightest; I do not think that it would make any difference.

1084. Have you any idea as to what revenue it would produce?—I have not.

1085. Do you think that the revenue produced by it would be large?—I believe that if a system of contract were entered into it would be the means of doing great good.

1086. And of bringing in a large revenue?—Yes.

1087. Is money often pawned with you?—Sometimes. People sometimes have pawned a sovereign or a 5 *l.* note for fear they should spend it; I have seen that done.

1088. You have not money often pawned with you?—No.

1089. Do you charge the halfpenny ticket on different parts of the same article occasionally or ever?—For each pledge; but not for parts of the same pledge.

1090. Would you charge the parts of a clock separately?—No, a clock is one thing.

1091. Are you aware whether it is a custom of the trade to divide such articles?—If a man brought me in a cartload of tools; I should say, "I cannot take in a cartload of tools."

1092. In reference to a pair of decanters, for instance, would you separate them?—If a person brought me a lot of decanters we would like to oblige the person bringing the decanters, and we feel that we have articles of a brittle kind.

1093. Would you take a halfpenny for the ticket on both the decanters or on one only?—If a

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person pledged a decanter I should make a pledge on the decanter; and if he offered to pledge another decanter I could take another decanter in pledge.

1094. Mr. *Montague Guest.*] Would you make one pledge or two of the pair of decanters?—I do not see how I could make them one pledge; I could not put one ticket on two articles.

1095. Mr. *Morley.*] Would you require the person pledging to pay on two tickets?—Yes; unless we could put them into one bundle.

1096. Mr. *Montague Guest.*] Would you charge for the stoppers, too?—I think the stoppers would, perhaps, keep in the decanters. In regard to decanters, I find a very good way of managing them. You see we cannot put them in a wrapping, because they would get broken; and I generally put a check in, and put the stopper in with the check, and it keeps it there.

1097. But would you charge for the stopper and the decanter, too?—No; the stopper is part of the decanter.

1098. *Chairman.*] Is it the practice of pawnbrokers, if several articles are brought to them, to split the articles into separate lots, in order to charge a halfpenny for each, or do they ticket all the articles as one parcel, and take one ticket for the whole?—I should take them as one parcel, and give one ticket for the whole, excepting in the case of decanters.

1099. Mr. *Morley.*] In the case of a pair of boots, what would you do; would you make out a ticket for each boot?—Certainly not. A case has arisen which brought that very prominently before the public; but I think it is altogether outside the regular trade.

1100. Mr. *Hambro.*] You say that the working classes are in the habit of taking their clothes out of pawn on the Saturday for the Sunday's wear; is it a usual thing for a man to take his Sunday clothes out of pawn every Saturday in the year?—I do not know that I have ever taken notice of a man pledging his clothes every week in the year; but as often as they want money they will pledge them. People frequently pledge their Sunday clothes, there are people who make a habit of it. They may pledge them one week and then leave them for three or four weeks. The fact of their redeeming them shows that they are pretty well off; because, if they could not redeem them, it would show that they were getting short of money, and were worse off.

1101. You have described the pernicious results of persons living above their incomes, which you say is the custom of the poor; do you think that the facilities of obtaining money by the lower classes by the practice of pawning tends to encourage this habit of living above their means?—I do not think it does.

1102. Mr. *Crum-Ewing.*] You mentioned, did you not, that although the law is that you must sell all articles of 10 *s.* value by auction, still you do not do so?—I did.

1103. I think you stated also that you kept your articles for three years?—Some of them, but not many. If I suspected that the person would come to redeem the article, I should keep it. As I stated before, we generally know to whom the things belong, and we also know that if a person in needy circumstances has an article in pledge which would be forfeited at the end of 12 months, he will very probably at the expiration, or before the expiration, of that time, come and pledge something else to keep the first article going for another 12 months; or if he finds that it is beyond his power to redeem it, he will sell his interest in it, if he knows that he can sell it for more than the amount of the interest.

1104. I suppose you do not sell the articles under 12 months?—Certainly not.

1105. Do you keep regular books showing what you receive for the sales?—I do not.

1106. Do you keep no account of them at all?—No.

1107. Then nobody knows whether you sell the articles under or above the sum which you have given in pledge?—No; I stated, I think, that I never had a single application of that kind; and as I have been for 20 years in business, and never have had such an application, it would almost seem (at least to me) superfluous to do it. I daresay there are some cases in which they would as much see the necessity for doing it as I see the necessity for not doing it. My trade is of a different kind, running principally to a lower kind than that which is contained in the books which I have seen, and the number of the articles, as I have said, is greater.

1108. Are you aware that a great number of articles on the books, which have been submitted to the Committee, are of a very small value?—I was not aware of that, certainly not under 10 *s.*, because the Pawnbrokers' Act does not recognise the keeping of sale books for articles under 10 *s.*

1109. Colonel *Beresford.*] In a very early part of your evidence, in answer to the Chairman, you spoke about your customers making inquiries as to the Act, is it the fact that anything like a majority of your customers ever make any reference to the Act at all?—No, I do not think they do.

1110. Do they not go in, and pawn, and come away, and know no more about the Act than the Man in the Moon?—I think the majority of them do not know anything about such a thing as a Pawnbrokers' Act being in existence.

1111. Your business seems to be of an exceptional character, are there not many other pawnbrokers in Salford, who do all the business which you decline, and who are very glad to get it?—No, people come to me and say (it is a common phrase), "If he will not take it in, nobody else will."

1112. And yet you seem to pick and choose?—I pick and choose; but I pick as many as I can get.

1113. You give as an illustration an article left at the cloak room or parcel office at a railway station; what analogy is there between an article taken to a cloak room at a railway station, where the charge is so much rent for a week, they advancing no money upon the article, and an article pledged at your shop?—If I take a cane, for instance, to a railway office, they will say that they want a penny for the first day, and a halfpenny a day afterwards, and they do not lend me any money on it, and they have no capital invested in it.

1114. Mr. *Morley.*] But they do not say that they charge a halfpenny for each day, do they?—Yes, they do, at the Victoria Station in Manchester; but I charge a halfpenny for five weeks and I advance money into the bargain, so that I have capital invested and they have none; therefore they would charge 30 times as much as I do, and they have no capital invested.

1115. Then why do you not set up a cloak room

oom ?—I would take the old maxim that a shoe-aker should stick to his last.

1116. There have been two or three questions at about the books, but I want a definite answer o this question: do you not, as a man of busi-ess, keep a regular set of books, including a dger, which will show at the end of the year hat profit you make ?—No.

1117. Then you ought to do so; do you really ot know what you make in the course of the ear; is it all haphazard?—It is; I do not keep ny exact account of income and expenditure; re do not require it, we can trust each other. f I had to employ hired labour very much, I aresay I should be compelled to do so.

1118. Do you know what is the average rate f interest that you get upon all the money that ou advance, taking all the year round?—I can-ot tell exactly; but my capital is turned over, believe, about four times in the year.

1119. Mr. Alderman *Carter.*] Is it not turned ver from six to seven times?—The money is not rned over as often as that.

1120. You say that your pledges average *s.* 3 *d.* and that you have only about 2,500 *l.* in he business; that will be 16,000 *l.* a year, will not?—I have not gone into those figures; but assume that it is turned over about four times n the year, though I may be wrong.

1121. Colonel *Beresford.*] You stated, did you ot, that each ticket cost you 2½ *d.*?—I could ot state that precisely, because I could not tell what it cost. I have not gone into the calcula-ion; but I can rely upon the probity of those gentlemen who have stated so, and they will now better than I do about those calculations.

1122. It is clear to me that if they cost you nything like that, you not only could not make profit, but you must make a loss upon those ickets; because the cost upon those tickets would come to 791 *l.*, is not that so?—Perhaps it osts me less, because I work a great deal at it myself; but in the case of those who have to pay or labour, it must cost them a great deal no doubt.

1123. You speak of liking, as customers, the people who come in every week for the same things over and over again; what class of people are they generally?—They are people who re-eive weekly wages, and who, therefore, have a resh supply of money every Saturday night. There are some people who only come once a quarter, and who draw quarterly wages. Then again there are some who draw their wages monthly, and who come when they get their fresh supply of money.

1124. What distinction do you draw between the people who you say are descending and de-scending, and whom you say you do not want as customers, and those people who are so wretchedly poor that they are obliged to come week after week with the same article, paying you an enor-mous rate of interest in the course of a year upon a small amount, whatever it might be?—They are not the poorest class; they are simply mortgaging their property every week and re-deeming it every week; they are people who are in receipt of a weekly wage, and the very first thing that they do with their money when they get it is to redeem the articles and put them in the position they were in before. There are others who receive monthly wages, and they do precisely the same thing every month; and those who receive a quarterly income do precisely the same thing every quarter. If those people got their money every day the probability is that they would have to redeem something every day, because the reason why they come every week is that they have weekly wages. Those people are not the very poorest people. They are sometimes getting good wages, but they manage to run a little beyond them, and they have to speculate upon the receipt of their wages the next week.

1125. Do you not think that it would be a great boon to them if they had not such a shop as yours open to them to come to and get this money, as probably then they would not "speculate" in the manner you have described?—If they could not borrow money they would have to sell their goods; that is what they would be reduced to.

1126. Mr. Alderman *Carter.*] Have you made any calculation as to your loss on pledges under two shillings?—I have not; but I assume that it is something like this: there are small tradesmen, grocers, for instance, who always sell certain things at a loss, but they say that it sells other things; and we say the same when we take in things under two shillings.

1127. Is your business a profitable one or not?—I can only answer that question in the same way as I answered it before; I have been a pawnbroker for 20 years, and I have not become a rich man.

1128. Colonel *Beresford.*] What do mean by "a rich man"?—A man who has enough and to spare.

1129. *Chairman.*] The question is whether, having regard to the extent of your business, you have made as much out of it as other people in other trades have done in 20 years in Salford; would a butcher or a baker, for instance, who was turning over as large a capital as you in the immediate neighbourhood, and who had been in steady business for 20 years, be supposed to have made more money than yourself?—Yes, I think he would.

1130. Have you made as much money in 20 years, with reference to your capital and position, as other persons carrying on retail trades in your district with the same capital?—I do not think so; but people are shut out from pawnbroking because they require more money to commence it with than most other trades.

1131. Mr. Alderman *Carter.*] Did I rightly understand you to say that you keep no books of sale of pledges above 10 *s.*?—I do not. We are not required by law to do so.

1132. Then, if a party applied to you for the surplus (if any) on the sale of an unredeemed pledge formerly belonging to him, I presume that you could give him no account of the sale of it?—I could not give him any account of the sale; I should simply say "We kept this article of yours for a long time, and you never came for it, and it is now forfeited."

1133. But you might, perhaps, have sold it immediately after the 12 months were up, might you not?—I am quite prepared to say that I should be open to that imputation, and I should have to do the best I could with the person when he came; but I have never yet suffered that inconvenience, as we are not required by law to account for pledges under 10 *s.*

1134. Do you not think that that is a very serious infringement of the Act of Parliament?—I cannot see it, because I have not complied with

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it for 20 years; and I presume that a thing which has never occurred to me for 20 years, with the number of pledges which I have taken in, cannot be of very great importance, as it is not an infringement of the law. There is one remark which I may make with regard to the time of forfeiture of bedding, for instance, and articles of winter wear. We have to keep them for 15 months, though the Act of Parliament would seem to imply that they need only be kept for 12 months. They are generally pledged when people can do without them; that is to say, blankets and bedding, and overcoats, and other things of that sort, are generally pledged about March, or April, or May. Those things are forfeited in March, April, or May in the year following; and, consequently, we have the overcoats and the blankets, and the heavy goods, to sell as the warm weather is coming on; but if we had a six months' forfeiture, the articles pledged in April or May would come out in the September or October following, and we should be able to lend a great deal more on them.

1135. Mr. *C. H. Mills.*] Is there not a three months' power of notice?—Yes.

1136. That would make it nine months, would it not?—Yes.

1137. Mr. *Morley.*] Do you not consider that the present system favours those who have stolen goods to sell?—I do not think it does.

1138. Do you not think that it would be a desirable thing, with regard to pledges above a certain amount (say, above 10*s.*, or even above 1*l.*), if you were to require the person coming to pledge to write his name in a book, because, although he might write a false name, yet, supposing that he were brought to you by the police, or were taken before a magistrate, and were made to sign his name, it could soon be seen whether or not the writing was his own?—The idea never struck me; but I cannot see that there would be any great good arising from it.

1139. Upon your exceedingly loose system, I say deliberately that I think you deserve to be pulled up for your evasion of the law, because it is clear from your system that you could not help the police at all; is not that so?—We do frequently help them.

1140. Is it the case, that every time you renew a pledge you charge for the ticket?—That is so.

1141. Can you tell me any reason why you should charge for that ticket any more than a butcher should charge for a skewer, or in plain English when an article is brought into the shop, you being the party to determine whether you will offer 25 or 50 per cent. upon its value to the poor creature who comes into your shop, having no option but to accept your offer (although no doubt the competition of the trade keeps the thing pretty square), is it reasonable to charge for the exercise of your judgment, since you also charge a per-centage for your money?—I do not take that view of it; if you brought me an article into the shop and said, "I have brought this, tell me what it is worth"——

1142. I am not supposing anything of the kind; if a man brings you a watch, and says, "I want 30*s.* upon that," and you look at it, and see that it is not worth 30*s.*, and say, "I will lend you 15*s.*," and you charge him for that appraisement, what reason is there for that charge for the ticket?—I cannot give the reason, because it has been made before my time.

1143. Would it not be far better to charge, if it is necessary, a higher rate of interest, so that people may know in one sum what they have to pay?—I do not think that it is, for this reason: we will take a 5*s.* pledge, upon which I may charge a halfpenny for the appraisement and a penny for the interest. I only charge the appraisement once, and the article is only appraised once, so that if it remained in pledge for twelve months the total charges would be 1*s.* -$\frac{1}{2}$*d.* But if I made an extra rate of interest, and that halfpenny should extend over the twenty-fourth part of a shilling a month, for twelve months, it would complicate our accounts. I have never looked at it in that light.

1144. In regard to the mode of selling pledges, have you ever considered whether, in the interest of all parties, there might not be something like the Irish system introduced; that is to say, a professional auctioneer, who should keep a list of all the pledges, you first keeping a list (as you ought to do) of the number of each pledge, so that there might be the means of following them on the part of those who might turn up some of those days, and say, "I hope you have got such-and-such an article; I will pay your charges, and I should like to have that handed over to me;" and would it not be a satisfaction to you, in such a case, to be able to say, "Johnson the auctioneer did all that; he will tell you all about it"?—It would if the articles were valuable; but you must remember that the people who pledged those small articles would have to bear the additional charge; and I believe that it has been found that the Irish system does not work well, but that it is simply money wasted.

1145. Mr. *Montague Guest.*] I drew from you that you did not carry on your business very satisfactorily so far as the Act goes; in your opinion, is the business carried on pretty generally in the same way as you do it, and is the Act evaded?—Certainly; very generally.

1146. Is it generally evaded as much, if not more than, you evade it yourself?—Yes; I think I am a fair specimen of the pawnbrokers of our district.

1147. In fact, you think the Act is of no use?—I did not say so.

1148. Mr. Alderman *Carter.*] Do you mean to say that none of the pawnbrokers of Manchester or Salford deal according to the Act of Parliament?—I do not say so.

1149. You say that you are a good specimen of the mode in which the pawnbroking business is transacted in Manchester and Salford; do none of the pawnbrokers of those two large towns conduct their business according to the Act of Parliament?—I do not think they do. Some might evade it in one point, and some might evade it in another.

1150. But I mean as regards selling goods by auction, and keeping proper books; do they evade the law?—I believe generally it is evaded.

1151. Do you take in pictures, prints, books, bronzes, and things of that description?—No, we do not take those in.

1152. Colonel *Beresford.*] Do you allow three months at the expiration of the 12 months?—Yes.

1153. You would wish to reduce the 12 months to six months?—Yes.

1154. Would you still continue the three months?—Yes; from my experience, we have about 50 per cent. of the goods left, which have

notice

notice given to be kept. It is not worth much, but I think I would retain it.

1155. Mr. *C. H. Mills.*] Would you tell me what would be the rate upon 3 *s.* for 12 months?—Yes; 7½ *d.*, or rather 7¼ *d.*

1156. Mr. *Montague Guest.*] Then you would charge the halfpenny instead of the farthing, I presume?—Oh! yes.

Mr. *J. F. May.*

20 June 1870.

Mr. Joseph Brooking, called in; and Examined.

1157. *Chairman.*] Where do you come from?—From Exeter.

1158. Have you a large pawnbroking business at Exeter?—Yes.

1159. Have you any other houses of business?—I have not at present, but I have had businesses in Bristol and in Leeds.

1160. Are you conversant with the state of business in those towns?—Yes.

1161. How long have you been in Exeter?—Nearly 41 years.

1162. How many people do you keep in your place in Exeter?—There are four there now.

1163. Are there four assistants besides yourself?—Yes; I do not attend to it much myself.

1164. What is about the capital employed in that business?—I have about 4,000 *l.* in it.

1165. Have you heard the evidence of the last witness?—Yes.

1166. With regard to the defects and inconveniencies of the present Acts, do you concur generally in the evidence which he has given?—Generally so, the Act is so exceedingly imperfect, that it is not possible to carry it out.

1167. Do you think that the Act is not carried out in the country, in the particulars which he mentioned, arising from the difficulties of the Act?—Probably so in his district, but I cannot speak of it. It is just so in the West of England.

1168. Do you think that the changes which have been proposed, are necessary to enable pawnbrokers to conduct their business fairly?—I think six months' forfeiture would be preferable to both parties, the pledger and the pawnbroker.

1169. Have you seen the Bill which has been submitted to Parliament?—I have.

1170. Do you consider that the changes proposed in that Bill are necessary?—I do not exactly approve of the Bill; in fact, there is scarcely anything in it of which I do approve.

1171. What changes do you think are necessary?—The present rate of interest, I think, is framed wrong entirely, and the lower class of pledges do not pay their way fairly. It is the higher class of pledges now which pays the pawnbroker.

1172. Have you made out a table of interest different from that which is now charged?—I have.

1173. What is your proposed rate of interest?—I would propose to reduce the rate of interest from 20 per cent. to 12½ per cent., and it would be strictly a monthly interest.

1174. Then what is the particular merit of your scheme?—Pledging and redeeming are two distinct transactions, and a charge should be made for brokerage, so that each pledge should pay its way more fairly.

1175. Do you mean that you would divide the charge into part interest, and part brokerage?—Yes.

1176. Do you think that people would readily understand that?—I think so; it seems to me very simple and very short.

1177. You recommend that there should be a brokerage of ½ *d.* on a shilling, and 1 *d.* on 4 *s.*; and 1½ *d.* on 6 *s.*, and 2 *d.* on 8 *s.*?—Yes.

1178. Mr. *T. Hughes.*] Would you have that paid at the time of pledging?—Yes.

1179. *Chairman.*] What is the merit of going from 1 *s.* to 4 *s.*?—With regard to the shilling and under, the sums are very small. I have always found that my pledges have cost me on an average to work about 2 *d.* each; and by all those pledges delivered out for 1 *d.*, that is to say, one halfpenny interest, and a halfpenny for the ticket, I consider that I lose a penny.

1180. And you could charge the same rate of interest for everything under 4 *s.*?—Yes, all below 4 *s.*, a halfpenny a month.

1181. Would it be satisfactory to people who pledge, to pay as much for 2 *s.* as they paid for 4 *s.*?—You are obliged to strike an average, in matters of this kind.

1182. Then what is the merit in this table, as compared with the one which now exists?—The one which now exists is very complicated. As I said just now, scarcely any body can understand it strictly, whereas there would not be any complication at all in this, because it is very simple.

1183. There would be a charge for brokerage for 1 *s.*; and they would be compelled to pay interest for 4 *s.* under this scheme, would they not?—Yes, it would pay no more for one month for 4 *s.* than it does now; all pledges of 1 *s.* now pay one halfpenny for the ticket, and a halfpenny interest.

1184. The scale for the interest would not coincide with the scale for the brokerage, would it, as a scale of rates?—The brokerage would rise by 2 *s.* steps, and the interest would rise by 4 *s.* steps.

1185. Would not that be a double scale which would not harmonise?—That would be 2½ *d.* in the 1 *l.* for every month. The brokerage for work and stationery in the receiving of a pledge is one thing, and the redeeming at some future time is another.

1186. Have you found any general acquiescence in your idea?—I cannot say that I have.

1187. Have you had much experience with reference to sale by auction?—Yes.

1188. What is the practice in Exeter with reference to that?—It has been customary there for a number of years to hold an auction now and then, and we have what we call knock-down sales; we advertise them according to the Act of Parliament, and knock the goods down, but scarcely anyone ever attends.

1189. Then if nobody attends, who buys?—It is knocked down to those who are there and thus sold according to the Act of Parliament.

1190. Are the attendants chiefly pawnbrokers themselves, who buy in their goods and protect themselves?—Yes, in fact no other people come.

Mr. *J. Brooking.*

Mr. *J. Brooking.*

20 June 1870.

1191. On those sales is there generally a profit or a loss?—A loss.

1192. Are there many inquiries made as to the goods sold, to know whether there is any surplus?—I have been in the business more than 40 years, and I do not think 10 persons ever applied to me about it.

1193. Have you any other suggestion to make as to the alteration of the law different from those made by other witnesses, except the one which you have given?—No.

1194. Then what are the alterations of the law of which you disapprove in the Bill which has been introduced?—That would raise the interest up to 25 per cent., and I think a great prejudice would be created against pawnbrokers if anything of that kind came into use.

1195. Have you any objection to the other clauses of the Bill?—I do not approve of them generally. The six months' forfeiture is very good. Then, as regards time, I do not see why the pawnbroker should be bound to shut up and open at certain hours more than other trades.

1196. Then would you like to see the law entirely altered in that respect, and that he should be allowed to open and shut whenever he pleased?—I think so. As regards the tables of rates, I think it would be much better if it were left open, so that borrowers and lenders might deal with them in their own way.

1197. Do you mean that there should be free contracts?—Yes.

1198. With no statutory rate at all to protect people where there was no special contract?—Special contracts would form exceptions. There must be a running contract, so to speak.

1199. Do you think that it is desirable that a duplicate should carry on the face of it the rate of charge?—Yes.

1200. And that, if there is a special contract, it should be also stated?—Decidedly. It cannot be stated on the ticket now, because it is so complicated.

1201. Do you think that any days of grace should be allowed?—I think none at all. The plainer you make laws the better.

1202. Do you think that the forfeiture should be at the end of six months, unless there is a special contract to the contrary?—Yes; as regards the six months, a great many pledges no doubt would be left very much longer, and the pawnbroker himself would prefer its being done frequently, but that should be left to the pawnbroker and pledger.

1203. You mean that the pawnbroker should have the power of refusing to take a pledge, except for a certain limited period of six months?—I rather mean that six months should be the shortest period, but that a pawnbroker would keep a pledge longer if it was necessary.

1204. Do you mean that that should be the legal period, but that the pawnbroker should by contract keep it a further period if he chose?—Yes.

1205. Mr. *Montague Guest.*] You say with regard to those sales, that as a rule a sale is not well attended by anybody but the pawnbrokers themselves; other witnesses have told us that they always suffer a loss upon their sales by auction: is not that counteracted by means of the pawnbroker, whose sale it is, buying in his articles at a cheaper price than what he lent on them originally, and putting them into his stock, and then selling them at a greater profit afterwards?—I think not.

1206. Supposing that you lend 2 *l.* on a thing, and then buy it in for 1 *l.* 15 *s.*, you buy it in at a profit, do you not?—They get knocked down, there are no bidders come.

1207. Do you mean to say that you originally have a loss of 5 *s.* and that then you lose afterwards?—Yes; I should be very glad to sell all my unredeemed pledges at 5 per cent. profit upon the principal.

1208. I understand that in reality, as a rule, you lend more money upon your pledges than you can possibly realise afterwards?—That is it; we are obliged to do so on account of the competition.

1209. Then I suppose that if you were not allowed to make a private sale and different charges you could not possibly carry on your trade?—No.

1210. Mr. *C. H. Mills.*] Do you keep any balance sheet?—I have always kept one until the last two or three years; I have left it to my son now principally.

1211. Does he keep a balance sheet?—Yes, we keep the books according to the Act.

1212. Therefore you can see what your expenses are?—Yes.

1213. What are your expenses for the year?—My expenses are from 250 *l.* to 300 *l.* a year.

1214. What number of pledges did you take in last year?—I think about 3,000 a month.

1215. That would be 36,000 a year, would it not?—Yes.

1216. During what hours do you keep open your shop?—We have opened for the last 20 years from eight to seven, 11 hours a day; the Act of Parliament states eight o'clock, for the summer half-year, but we always shut at seven o'clock.

1217. You shut earlier, but you do not open earlier?—No, we never open until eight o'clock.

1218. Do you always sell the articles above 10 *s.* which is unreclaimed at the end of 12 months?—We never take a thing down from the warehouse under 17 or 18 months; we keep it to see if the parties will come for it.

1219. And then you have a regular auction?—Sometimes, but not every year. We used to have it every year, but I never found any good come from it. Each auction cost me several pounds, and was of no benefit to anybody.

1220. You would never be able to show anybody where you had sold an article which he had pledged with you for more than 10 *s.*?—No, not after an auction.

1221. Mr. *Hambro.*] Do you think that any extensive alterations are necessary in the Act, or do you think that it works pretty well with the exceptions which you have stated?—I find that my gross profit is about 3 *d.* on each pledge.

1222. I ask, do you think any alterations are necessary in the Act?—I think it ought to be reduced to six months, and that there ought to be a fresh table of rates.

1223. Do you try to carry out the Act?—Not perfectly.

1224. Mr. Alderman *Carter.*] Do you say that you have no profit upon sales of pledges above 10 *s.* in value?—As regards the whole of my pledges above 10 *s.* I do.

1225. You have no pledges, then, above 10 *s.*?—Yes, I have a few.

1226. Who

1226. When you have an auction sale, do you get no profit upon your pledges above 10 *s.*?—Never.

1227. Do you take in jewellery?—I do.

1228. Do I understand you to say that you had a business at Leeds?—I had.

1229. Do not the pawnbrokers at Leeds have periodical auction sales?—Some sell by auction regularly there, and some do not, just as they do in the West of England.

1230. But the principal leading pawnbrokers have periodical sales in Leeds, have they not?—Yes; they have four a year; but the goods are brought from Liverpool partly.

1231. Do you know whether those pawnbrokers who have those periodical sales comply with the Act of Parliament as respects keeping books?—I really cannot say.

1232. Mr. *Montague Guest.*] With regard to the sales which you were mentioning, you said that, as a rule, only the pawnbrokers and the trade were there; do you have a regular knock-out afterwards, like Christie and Manson?—No; in fact, it is only pawnbrokers themselves and their assistants are present.

1233. If the sale were public and more generally known, do you not think that you would get a larger number of people there who would be more likely to run up the articles?—Not on pledges above 10 *s.* I had an auction last November for five days, and I lost about 70 *l.* or 80 *l.* by it.

1234. Did you have it properly announced in the papers?—Yes.

1235. In what journal did you have it advertised?—In all the public papers of Exeter, and I had 100 people there generally at a time, at the least.

1236. That was the produce of some time, I suppose?—That had been collecting for some time. I sold off my business at Bristol, and the unredeemed stock came down to Exeter to be sold with the unredeemed in Exeter.

Thursday, 23rd June 1870.

MEMBERS PRESENT:

Mr. Richard Arkwright.	Mr. Hambro.
Mr. Ayrton.	Mr. Thomas Hughes.
Colonel Beresford.	Mr. Plimsoll.
Mr. Alderman Carter.	Mr. Orr Ewing.
Mr. Crum-Ewing.	Mr. Ridley.
Mr. Montague Guest.	

THE RIGHT HON. ACTON SMEE AYRTON, IN THE CHAIR.

Mr. ALEXANDER M'CALL, called in; and Examined.

Mr. *A. M'Call.*

23 June 1870.

1237. *Chairman.*] WHAT is your office?—I am Chief Constable of Glasgow.

1238. How long have you held an office in connection with the police?—I have been 20 years in the Glasgow police force.

1239. How long have you held any superior appointment?—The whole of that time. For eight years of the 20 years I was inspector of the detective department, and I was 12 years superintendent of the central district, the principal division of the city.

1240. How long have you been chief constable?—It was within the last month that I was appointed chief constable.

1241. Have you had any opportunity, in your several appointments, of seeing the manner in which the pawnbrokers in Glasgow conduct their business?—I have had numerous opportunities.

1242. How many pawnbrokers are there in Glasgow?—I do not know the number of licenses which may be issued by the Excise; but there are 109 pawnbrokers doing business.

1243. What could be the proportion of pawnbrokers' shops to the population?—In the proportion of one pawnbroker to 4,220.

1244. Is that a greater or a less proportion than that of other trades to the population?—I cannot answer that question.

1245. How many publicans, for instance, are there in Glasgow?—The publicans are upwards 1,500 in number.

1246. So that there would be proportionately 15 times as many publicans as pawnbrokers?—Yes.

1247. Do you know how many bakers or butchers you have in Glasgow?—No; I could not answer that question.

1248. Is there much business transacted by each of those pawnbrokers in general?—A very large business.

1249. Do these shops exhibit large quantities of goods?—They do.

1250. Do they do a great business in receiving pledges?—They do.

1251. Have you any mode of ascertaining about how much the aggregate of the business is, either as regards capital or as regards the number of pledges?—Not in regard to capital or the amount paid on pledges; but I can form some opinion of the aggregate of the number of pledges.

1252. To what would that amount?—It would be at least equal to five and a-half millions per annum.

1253. How many of those would be pledges of small value, say, under 5 *s.* or 10 *s.*?—There will be five millions under 10 *s.*, and about half-a-million above 10 *s.* and under 10 *l.*

1254. Do you know how many pledges, probably at one time, remain in pawn in those 109 shops?—I cannot state the number that may be in pawn at any one time.

1255. Can you estimate the number in any way?—I have no data from which to judge as to that.

1256. What is the general character and standing of the pawnbrokers as a class in public estimation in Glasgow; do they rank high as tradesmen?—As a class they are respectable, though there are some amongst them that are not respectable.

1257. Do you mean that there are some pawn shops which stand in a doubtful aspect in relation to the police?—Yes; they are not honestly conducted.

1258. Have you had many complaints made to the police respecting the conduct of the pawnbrokers in the management of their business?—In regard to a few of them, and as to the illegal way in which they manage it.

1259. What is the chief illegality that has been brought under your notice?—I know of one pawnbroker, for instance, who engaged parties, or who had them in his service, to go out to the streets and sell his pawn tickets to any simpleton whom they might meet with in the streets; and when they came to lift the article out of pawn they found that it was inferior in value to the amount that was represented on the pawn ticket which they had bought.

1260. But how would the pawnbroker get possession of a ticket to sell in that way?—He perhaps takes what is represented to be a gold chain out of his sale room, and he issues a ticket for it perhaps at 2 *l.* 15 *s.*

1261. He makes a ticket for that article?—He makes a ticket for that article, and hands it to this person (who is called a "sticker") for 2 *l.* 15 *s.*

That

That "sticker" goes out into the street and induces country people to purchase this ticket, and when they come to lift the article, they find that the article represented in the pawn ticket is not value for the sum represented on the pawn ticket as having been advanced upon it.

1262. Then the article not being worth the value, of course the man is imposed upon to that extent?—He is.

1263. Have you found that to be an extensive practice, or is it only limited to a few shops?—It is only limited to a few shops.

1264. Is there any other particular class of deception which you find practised?—I have found cases where a pawnbroker issues a ticket marked with a larger sum than was paid to the individual on the ticket, and the pledger not examining the ticket when he takes it away, he finds that he has a larger sum to pay, when he comes back to redeem his pledge, than he really received.

1265. Do you mean that the pawnbroker marked more on the ticket than he advanced?—Yes; then I have found also, that parties when they wanted to redeem their pledges could not get the article which they pledged, but they got an inferior article to that which had been pledged.

1266. Do you suppose that that was from any blunder, or do you think that it was from design?—From the number which have come under my notice from one pawnbroker especially, it must have been designedly done by him.

1267. Do you mean that he shifted the tickets in his store, and gave an inferior article?—He put an inferior article under that pledge.

1268. And therefore got possession himself of the better article?—That was so.

1269. Have you any other class of deceptions?—A case came under my notice lately in regard to a pawnbroker who took in pledge from a woman, a large number of new shirts, drawers, and webs of plaiding, intrusted to her for the purpose of making up into articles; the woman was apprehended for embezzling the goods. The detective officers on going to the pawn office, where the woman said she had pawned the articles, found that the pledges were marked off as redeemed; but afterwards, they found the articles in the pawnbroker's possession.

1270. Did he refuse to give them up, saying that they had been redeemed?—He told the detective officers that they had been redeemed, but the detective officers afterwards found them in his possession.

1271. Have you experienced much difficulty in following goods into the pawnbrokers, or in getting them back as a rule, or is it an exceptional case?—It is exceptional; it transpired that this same pawnbroker had called on the prisoner a day or two before the apprehension, and had got delivery of the tickets from her.

1272. Do you suppose that in that case, he must have known that the goods were wrongfully obtained?—I think at that point, when he went to get the tickets from the woman, he did know it; but whether he knew it at the time of taking them in, I would not like to say, although I think that that is indicative of his suspecting that there was something wrong.

1273. By getting those tickets, he prevented the discovery of the fact, that the goods were with him, and so would not have had to give them back again; would that have been his motive?—That would have been his motive.

1274. Have you had many complaints that people have a difficulty in getting their goods back at all, or that obstructions are thrown in their way?—With one pawnbroker I have had almost daily complaints. He is a man who is not of sober habits, and is not honest.

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1275. Then, perhaps, he does not know at one time what he does at another time?—That is very possible, but still I would say that such a person should not be in the trade.

1276. Do you think there is any considerable facility for pledging stolen goods by pawnbrokers in Glasgow?—There is a facility.

1277. Have you reason to suppose that they have given effect to the Act to any extent by making inquiries from suspicious people before taking goods in pledge?—I think there are very few of them who would take in stolen goods knowingly.

1278. Have you any reason to suppose, from cases which have occurred, that they are active in making any inquiries when suspicious pledges are offered to them?—I think more might be done by them in the way of assisting the police.

1279. Have you had many cases where a pawnbroker has given information in consequence of suspicious circumstances arising at the time a pledge is offered?—Yes, we have had a number of people handed over to the police by the pawnbrokers for having in their possession stolen property, and offering it for pledge.

1280. Do you think generally that the pawnbrokers fairly carry out that provision in the Act in assisting the police in the detection and recovery of stolen goods?—I do not think they do it to the extent that they might do, for they look upon themselves as aggrieved in having to give time to attend police courts and other courts, losing their time without any remuneration. They have no interest in putting stolen goods into the hands of the police, as it may thereby cause them considerable loss in regard to the time of themselves and their assistants. So far as the pawnbroker is concerned, there is no remuneration for him whatever, supposing he remains a whole week at a court, so that I am persuaded that some of them rather than put themselves to the trouble of handing over to the police a doubtful person who comes to pledge, would rather let him go.

1281. They would rather send the man away altogether?—Yes, they would let him go, and say that they would not take the pledge.

1282. They are the only people who are called upon by the law to take an active part, I think, in assisting the police in the detection of robbery?—We have a class of traders called brokers, who are under a license from the magistrates, and who are also bound to assist, as far as possible, in the detection of crime.

1283. Is that under the general law of Scotland, or under a special Act?—It is under the Glasgow Police Act.

1284. Are they bound to make inquiries of suspicious people, and to communicate to the police?—They are.

1285. Supposing that they neglect that duty, have the magistrates the power of withdrawing their license?—They would withdraw their license at the next licensing court, in all probability.

1286. Have the magistrates an absolute discretion in granting the licenses under the Police Act?

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Act?—They have an absolute control in regard to the brokers.

1287. So that they may cancel the license without a judicial conviction?—They may do so without assigning any reason for it.

1288. Do they, in point of fact, exercise authority over the brokers, without waiting for a judicial conviction?—They have frequently deprived a broker of his license where there was not a conviction before a court against him.

1289. Under the Police Act, can those brokers be summarily tried before the magistrates for offences?—They can.

1290. Will you give a short statement of the sections of the Glasgow Police Act relating to those brokers?—The sections are from the 200th section to the 206th section inclusive, of the Glasgow Police Act 1866.

1291. In the first place what sort of brokers are they?—These are what are called the small brokers. The words of the Act are these: "The word 'broker' shall mean any person who occupies and uses any building or part of a building or other place, including a stall in public market, as a dealer in second-hand goods or articles, or in old metals, bones or rags.'" He is liable to be fined 5 *l.* if he carries on the business of a publican; if by himself or his servant he purchases any ticket issued by the authority of any parochial board or charitable institution for relief or any article of clothing issued as aforesaid, and legibly marked as or known by him to be so issued; if by himself or his servant purchases, receives, or takes in any goods of any manufacture, or of any part or branch of any manufacture, either mixed or separate, or in course of manufacture; if after notice by any constable that certain articles have been stolen, embezzled, or fraudulently obtained, he omits or fails to give information at the police office of the district in which his shop is situated; if he keeps or suffers to be in his premises any smelting-pot or implement for melting, altering, or defacing gold, silver, lead, or other metals; or if he receive stolen property knowing it to be stolen. He is also liable to a penalty of 5 *l.* if he acts as a pawnbroker or carries on his trade communicating with a pawnbroker's office, if he has not the words "licensed broker" painted over his door; if he carries on his business between 11 o'clock on Saturday night and eight o'clock on the following Monday morning, or between 10 o'clock on any other night and eight o'clock on the following morning; if he by himself or his servant purchases any article from any person who is apparently under 14 years of age; if he receives or purchases the note or ticket of any pawnbroker for any article which has been pawned, or contracts and negotiates in any manner with the holder of such note or ticket, or any person on his behalf for the purchase of any article specified therein; if he omits to keep regular books or to enter therein a proper and distinct description of any article purchased or received by him or his servant; or if, in the case of the purchase of a lot of books, he shall not enter the name and place of abode of the person from whom he purchases or receives the same, the date and hour of the day of such transaction, and the price paid; if at any time during his business hours without reasonable excuse, he does not on demand produce the books kept by him to the chief constable, or any constable acting under him, and permit such constable to subscribe his name immediately after the last entry therein; if he omits to enter a proper and distinctive description of any book, or lot of books, sold or suffered by him to be removed from his premises within seven days; if he omits to keep on his premises any other article purchased or received by him for the full period of seven days; if at any time during his hours of business, or at any other time, without reasonable excuse, he does not on demand produce to the chief constable, or to any constable acting under or appointed by him, every or any article which he has purchased or taken in, and which is in his possession, regarding which information has been given tending to show that it has been stolen or fraudulently obtained. Then there are certain conditions which the pawnbroker must observe also under this Police Act in addition to the ordinary law.

1292. Will you state what those conditions are?—A pawnbroker is here defined to be any person who occupies and uses a building, or part of a building, or other place for the purchase or sale of any article, or for taking in any article by way of security for money advanced thereon, and who purchases or receives, or takes in any article, and pays or advances, or lends thereon any sum of money not exceeding 10 *l.*, with or under any agreement or understanding express or implied, or which, from the nature or character of the dealing, may reasonably be inferred, that such article may be afterwards redeemed or re-purchased on any terms whatever: then any pawnbroker who is guilty of any of the following acts or omissions within the City, is in respect thereof liable to a penalty not exceeding 5 *l.*, if he acts as a broker, except in the sale of articles *bonâ fide* forfeited, in accordance with the provisions of the Pawnbrokers' Acts; if he carries on his trade in premises communicating with those of a broker; if at any time during his hours of business, or at any other time without reasonable excuse, he does not on demand, produce to any constable, and suffer to be examined his books in which articles purchased or taken in by him are entered, and produced to any constable every or any article which he has purchased or taken in, and which is in his possession, regarding which information has been given tending to show or to render it probable that the same has been stolen, embezzled, or fraudulently obtained, or does not, when required by any constable, deliver every or any such article for the ends of public justice to the officer on duty at the police office, who shall grant a receipt; therefore the same regulations in regard to brokers which I have already mentioned, apply to some extent to a pawnbroker; he is not to carry on the business of a publican; he is not to receive any goods belonging to a charitable institution; he is not to take in any articles which are apparently in the course o manufacture or unfinished.

1293. You say that he is not to take in any article that is in the course of manufacture; bu supposing that the pledger was a man working u his own goods, and was himself the manufacture of the article, he then could pledge it, could h not?—The pawnbroker must not take in an article in the course of manufacture brought t him as a pledge. The pawnbroker would not i that case take it in.

1294. Would he not take it in even thoug the man was working up his own raw materia and wished to pledge it?—It would be illega bu

at practically we have never had a case of that rt, where a pawnbroker has been charged with king in goods which did not turn out to have en dishonestly got by the person who pledged em.

1295. He does it at his own risk?—He does it his own risk. The Act would prohibit him om taking from a manufacturer his own goods.

1296. And therefore, if he does it, he must tisfy himself that the person is the true owner, herwise he does it at his own risk, and is subct to the penalty; is that the effect of the Act?—It is, practically.

1297. Are there any other restrictions upon e pawnbroker?—He is also bound to give noce to the police office when he discovers that he as any property which has been reported to him stolen, or embezzled, or fraudulently obtained. hen he is not to keep any smelting-pot or imple- ent for melting, altering, or defacing gold, lver, lead, or other metals. Those are the prosions of the Police Act as regards pawnbrokers.

1298. How do you find that those provisions ork in restraining the pawnbrokers in Glasgow om doing those various things which are prohiited?—I think they are very useful.

1299. Do you think that they tend to assist e pawnbroker in preventing him from embarkg in improper transactions?—I have no doubt at they have a very considerable restraining ffect upon him.

1300. I suppose that this Act enables an honest an to assume a firmer attitude in relation to his ustomers than he otherwise could do?—It does; nd the Police Act protects him against damages he hands over any suspected person to the olice.

1301. Will you be good enough to read the ndemnity clause?—It is the 205th clause, "It hall be lawful for every pawnbroker or broker, nd he is hereby required to seize and detain any erson who offers to pawn, sell, or deliver to him ny article regarding which notice has been given o him, in manner hereinafter provided, tending o show, or to render it probable that the same as been stolen, embezzled, or fraudulently obained, or which he has reasonable ground for uspecting was stolen, embezzled, or fraudulently btained, and to deliver such person to a constable, to be taken to the police office; and every pawnbroker or broker so acting shall be freed rom responsibility, unless malice be averred and proved."

1302. Have you ever heard any objection from he pawnbrokers in Glasgow as to the stringency f those provisions affecting them in the Police Act?—I have not.

1303. Do you think, on the whole, that they approve of them?—I think they do. So far as I have been able to ascertain their opinion upon the matter, they do not seem to have any objection to it.

1304. Do you consider that the general law, and your local law, together, are sufficient to prevent any inconvenience arising from the pawnbroking system, or that any further provision should be made?—I think that it would be very desirable that the magistrates of the city should have the power to license pawnbrokers as well as brokers, or that they should, at all events, give a certificate to the Excise, as is done with regard to publicans.

1305. Would you recommend that the license should be granted by the Excise upon the magistrate's certificate?—The license should, I think, be granted by the Excise on a magistrate's certificate.

1306. Do you think that the magistrates should have the same jurisdiction in cancelling the certificate as they have over other brokers, or as they have over the publicans?—Something similar to the publicans. I would advise that they should be entitled to inquire into the character of the applicant for a license; that they should be entitled to judge whether an additional pawn office was needed in the locality, and whether the premises were properly situated and constructed, and were well lighted and ventilated through the day. Such matters as those, I think, they should be entitled to inquire into.

1307. Do you mean that they should inquire whether the premises were suitable as regards the safety of the pledges?—Whether they were suitable as regards the safety of the pledges as well.

1308. What jurisdiction do you think that the magistrates should have in cancelling those licenses; should it be summary, or upon conviction?—If such conduct as I have referred to was acont ravention of the Pawnbrokers' Act, I think that perhaps a conviction would be the safest course.

1309. With regard to convictions, what do you think is the most convenient jurisdiction for entertaining all questions connected with pawning between the pledger and the pawnbroker; the fiscal court or the magistrates' court?—All cases in Scotland are prosecuted at the instance of the procurator fiscal; but there are different procurators fiscal; there is the procurator fiscal of the justice of the peace court, the procurator fiscal of the magistrates' court, and the procurator fiscal of the sheriffs' court.

1310. Where do you think they ought to be prosecuted?—I think before the magistrates who granted the license to the pawnbroker.

1311. Not in the sheriffs' court?—Not in a city like Glasgow at all events; but in country districts it might either be before the sheriffs' court or before the justice of the peace; but in a city like Glasgow, I should say that it should be before a magistrate's court.

1312. How many magistrates sit upon the bench in the Glasgow magistrates' court?—One.

1313. Is that a stipendiary magistrate?—No, they are citizen magistrates. He has along with him a legal man, an assessor to advise him in matters of law.

1314. Is he a part of the court?—He is not part of the court. In the licensing courts, the whole of the magistrates may attend or any portion of them.

1315. What is the number under the Publicans' Act?—There must be two under the Publicans' Act.

1316. That is a special committee, is it not?—No, there is a statutory time for the court sitting.

1317. Is there not some restrictions under the Licensing Act against all the magistrates coming in?—No; there must be at least two magistrates before they can sit upon such application.

1318. Mr. *Orr-Ewing.*] What is the general attendance upon the licensing courts?—Sometimes we have the whole eight magistrates, and sometimes four and sometimes five.

1319. But generally is there a majority of magistrates present?—As a rule there is a majority.

1320. *Chairman.*]

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1320. *Chairman.*] With reference to the effect of the Pawnbrokers' Act compelling a pawnbroker to do his business under very close restrictions, and at a certain rate of charge; do you think that it would be an advantage to the community, if there was more facility given for making special arrangements or other arrangements?—I should be inclined to think that there should be strictly defined rules, in regard to the transactions between the pawnbroker and the person who comes to pledge the article.

1321. Do you mean that the conditions of the dealing should all be statutory?—The conditions should, I think, all be statutory.

1322. Do you think that those statutory conditions should enable the pawnbroker to take in every kind of commodity that was offered, and that he should be at liberty to make a special charge for commodities which were expensive to deal with?—I think that it would be very desirable that as far as possible there should be no inducement held out to poor people, or improvident people, or drunken people, to dispose of their body clothing or their bed clothing.

1323. Would the inducement be pledging it with a pawnbroker rather than selling it?—I think they would be more likely to retain it in their possession, and that if they had to resort to selling to a party they would not so readily part with it.

1324. Is it your opinion that a pawnbroker should not be allowed to take in body clothing?—I think at all events that they should not be allowed to take them in under a certain pledge value.

1325. How would you estimate that?—My notion, is that if it could be done there should be no pledges under 10 *s.*; perhaps that is too high, but I think at all events 5 *s.* would be low enough, so that there should be nothing under 5 *s.*

1326. But then what would be the condition of a man who was in absolute need of bread, who had more coats than he had upon his back?—There are very few cases, I should say, of provident well-behaved people in such circumstances.

1327. May there not be men whose families want food, and who have more clothes than they have on their backs?—Those families are generally the families of improvident parents, given to intemperate habits, or wasteful habits.

1328. But if they are in want of money, would it not rather lead to their selling their clothes, and getting rid of them altogether if they could not favour them?—It might under such a necessity.

1329. But as between the two evils, which do you think the lesser: that a man should sell his clothes, out and out, or that he should pawn them and have the chance of getting them back?—I think it would be better that he should lie under the necessity of selling them out and out for the purposes of restraint, so that he would be less likely to sell them; I am strongly of opinion that there should be no pledges such as 9 *d.*, or 1 *s.*, or 1 *s.* 6 *d.*, or 2 *s.*

1330. What is your idea then of what the people do with the 1 *s.* 6 *d.* or the 2 *s.* when they get it?—As a rule, they expend it in the purchase of whisky or other intoxicating liquors.

1331. You do not think that much of the money goes for any of the necessaries of life?—I do not think so.

1332. Passing from clothes, do you think it desirable that there should be further facilities given for pledging in general, so that the pawnbroker could take in commodities attended with risk, and be entitled to make a charge for the risk?—When you go above 10 *s.*, I think the pawnbroker has to deal with a different class of people to a considerable extent.

1333. Do you think they might be left to make their own bargain?—No.

1334. Would you give the person pledging the power to make a bargain for himself?—No; I think he should have a defined interest to charge.

1335. But supposing that commodities are brought to the pawnbroker which cannot conveniently be taken in at that rate, may the person pledging with the pawnbroker be at liberty to make any special contract?—In the case, perhaps, of a chest of drawers, or an eight-day clock, or where the articles are bulky, or fragile, or in any way risky, there might be some power given to them to make some agreement in regard to storage.

1336. Supposing that a man wished to pledge a cheese, do you think that a pawnbroker should be bound to keep it for 15 months, for instance, or that he might be at liberty to make a contract to keep it for a month?—Some cheeses would improve by keeping, and others would be spoiled.

1337. But having regard to that fact, would you allow the person pledging with the pawnbroker to make a special contract to advance upon the cheese?—That is a perishable article, or at least perishable to a greater extent than it is improveable. There are more cheeses that are perishable in that time, I think, than there are that are improveable.

1338. Would you allow the two to make a bargain suitable to their mutual convenience?—I am not sure that I would leave them to make such a bargain under any circumstance.

1339. What would you do then?—I think that the pawnbroker should refuse to take the article.

1340. But supposing that a man wants assistance, why should the law prevent the man from having assistance; if he has something which he can convert into money, why should the law say that he must not do it; how would the police, for instance, think that good order was prejudiced by such a transaction as that?—Unless you defined such articles, I think you would open a door to the pawnbroker, perhaps taking advantage of people who are not able to protect themselves.

1341. Do you think that, as a rule, people do not know the value of the goods which they possess, whether large or small, and that they are not able to protect themselves?—I think that, perhaps, in pledges above 10 *s.*, people very likely do know the value pretty well.

1342. They have bought them, have they not?—They have bought them.

1343. And, therefore, they have already exercised their intelligence in dealing with the commodity, have they not?—Yes, but it is more a matter of necessity, I should say, with a person pledging an article above 10 *s.* in value, and he might therefore submit to any terms.

1344. But would it not rather give him more power of dealing with a pawnbroker, if he had everything in his house to pledge, rather than if he were condemned to pledge particular things?—He would have the more choice.

1345. Therefore, to that extent would he not be in a stronger position in making his bargain than

than as if he were restricted to a few articles?—He certainly would have a greater choice of the articles in his house.

1346. Do you think that there is any advantage in pledges being kept for 12 months at the option of the pawner, or that the time might, with advantage, be shortened?—I think that it is possible that it might be advantageous to shorten the period with reference to some articles, such as woollen articles and wearing apparel, where they are liable to depreciate in value from moths, and perhaps from the change of fashion.

1347. Do you think that, considering the difficulties of discriminating in any Act of Parliament, as to what would be desirable, and what would not be desirable, the time generally might be shortened, or that it would be possible to draw up a schedule of commodities in respect of which the time should be shortened?—I think it would be desirable to have a schedule of articles.

1348. Do you think that you could draw up such a schedule?—I think it might be done.

1349. Supposing that the justices had had the power during the time of your experience of cancelling licenses, how many licenses do you think they would have cancelled during any given period in Glasgow?—I think just now, at all events, there are three pawnbrokers out of the 109 pawnbrokers in Glasgow who are ripe for their licenses being cancelled if the magistrates had the power.

1350. Mr. *Hambro.*] Are the Glasgow pawnbrokers generally as a class men who are well off; are they men of some capital?—They are men of capital, either belonging to themselves or borrowed.

1351. Do many of them fail in business?—I have heard of very few, if any, failing.

1352. If a man fails in business, is his business generally bought up by some other pawnbroker?—I think that, as a rule, that is the case. If he goes out of the trade or leaves the country, or anything of that sort, I think his business is bought up by some other pawnbroker.

1353. Do the form of books kept by the pawnbrokers vary very much?—They do; that is to say, the ruling of them varies, and the different columns.

1354. Do the tickets vary?—They do.

1355. Are you speaking now only of Scotland?—I am speaking of Glasgow.

1356. Does the same Act apply to the whole of Scotland as it applies to Glasgow?—The Pawnbrokers' Act does, but not the Glasgow Police Act.

1357. Do you think from your experience of Glasgow, that the present facilities of pawning are injurious to the moral welfare of the lower classes?—I think that the pawnbroking system is injurious to the working classes as a system; it holds out too many facilities to improvident people to dispose of their property.

1358. If free contract were allowed between the pawnbroker and the pawner, do you not think that the pawnbroker would be likely, as being in the position of a rich man dealing with a poor man, to have the best of the bargain?—I think he would; he would be quite able to dictate the terms.

1359. Can you imagine the case of a man being hard up who came to a pawnbroker and said, "I want some money," and of the pawnbroker refusing to lend him any except upon the most usurious terms?—Yes; I think it would be quite within his power to dictate what terms he should give him.

1360. And the poor man wanting money would have to put up with it, would he not?—He would have to put up with it.

1361. Mr. *Orr Ewing.*] You stated that the brokers are entitled to keep their places of business open from eight o'clock in the morning till 10 o'clock in the evening; what are the hours during which pawnbrokers are entitled to keep their places of business open?—They vary at certain seasons of the year; they are defined in the Pawnbrokers' Act.

1362. Do you not, as head of the police, know it yourself?—They are not to receive or take in any goods or chattels by way of pawn before eight o'clock in the evening between Michaelmas Day and Lady Day, or before seven o'clock in the forenoon and after nine o'clock in the evening during the remainder of the year, except only until 11 o'clock on the evenings of Saturday throughout the whole year.

1363. Do you not think that it would be an advantage for the interest of the public, that those hours should be further restricted?—I think the nearer that you bring the hours of a pawnbroker to daylight the better.

1364. The pawnbroking trade is under the inspection of the police in Glasgow, is it not?—It is.

1365. You require no special warrant to search a pawnbroker's establishment, I believe?—No special warrant; the Police Act is the warrant.

1366. The brokers are obliged to register all their purchases, but the pawnbrokers do not register any purchases above 10 *l.*, I believe?—Yes, in the case of every purchase by a broker, he must register the amount paid, the person from whom he received it, the date, and the hour of the day at which it was brought.

1367. Have you ever suffered any inconvenience in searching for stolen property under that system, from the fact that you could not ascertain whether the property was in the hands of the pawnbroker or not?—We have experienced disadvantage from it.

1368. Have you searched for stolen property when it was denied that it existed in the pawnbroker's shop, and have you afterwards discovered by the tickets on a thief who was apprehended, that it had been in the pawnbroker's shop?—That it had been lying in the pawn office when the police were searching for it, and also for some months after the pawnbroker had been furnished with a description of the property.

1369. Was it property amounting to some value?—To about 300 *l.*

1370. Do you not think that it would be an advantage in the public interest, that pawnbrokers should be obliged to register all their transactions of whatever value?—I think every transaction which a pawnbroker has, should be entered in his book, and be open to the inspection of the police, whatever may be the amount.

1371. Do you think that there is a great deal of stolen property which is pawned?—A considerable quantity of the property which is stolen is pawned, and some of it is recovered, of course, by the police, after it is pawned.

1372. When you apprehend a gang of thieves, do you often find in their possession, either upon their persons or in their houses, a great many pawn tickets?—Almost invariably; I do not think the police will search one house in 20 of the

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the thieving class without finding pawn tickets either in the house or on the person of the thief.

1373. Could you give the Committee any idea of what is the greatest number of pawn tickets which you have found on the person of one thief?—I think I could almost say that I have known the presence of 100 pawn tickets in the possession of one thief. That is perhaps an extreme case, but still I have known it.

1374. Do you think, therefore, that under those circumstances pawnbroking induces stealing?—I have not the slightest doubt about that, to this extent, that everything that a thief steals is turned into whisky or other strong drinks, and that whatever he steals he turns it into money to obtain that; and very frequently he does that by resorting to the pawn office as a means of getting the money for the purpose.

1375. The Right honourable Gentleman in the Chair has endeavoured to draw a comparison between the number of pawn shops in proportion to the population and the number of other trades; but I suppose that a very small portion of the community of Glasgow deal with pawnbrokers, whereas the whole community deal with grocers and other trades?—That is so.

1376. *Chairman.*] For whisky?—For whisky. The number who deal with the publicans is certainly greatly larger than the number who deal with the pawnbrokers.

1377. Mr. *Orr Ewing.*] You may say the whole community?—You may say the whole community, except a small section of teetotallers.

1378. I suppose even you, yourself, sometimes take a "jo"?—I do not consider it a sin, at all events.

1379. *Chairman.*] I took whisky as the standard of universal dealing in Glasgow, and I presume that my assumption was correct?—That is the standard drink, no doubt, in Glasgow, and for Scotchmen, I think, generally.

1380. Mr. *Orr Ewing.*] I suppose that the parties who deal with pawnbrokers' shops are generally the very lowest in the community?—The very lowest, I should say as a rule, and that applies very strongly to pledges under 10*s.*

1381. You have already stated that you believe that by far the greater proportion of that money goes for the purchase of drink?—It does.

1382. Have you known instances in which a drunken wife has pawned every article of furniture in the house, and every stitch of clothing belonging to her family?—Yes, I have known drunken wives who have cleared out the house entirely in that way, and have not left an article in the house.

1383. And driven her family to the streets and her husband to destruction?—Yes; stripping the children of their clothes.

1384. I suppose that you are of opinion that we should endeavour, as far as possible by legislation, to restrict the possibility of such a thing happening, rather than to encourage it by giving it greater facilities?—I am clearly of opinion that it should be restricted.

1385. Although you stated that you thought that the pawnbrokers should not be at liberty to take in body clothing or bed linen, at a lower sum than 10*s.*, you did not intend to prevent other kinds of property being pledged for a lower sum than that?—I do not think it would apply to some other property which might be named; I mean body and bed clothing.

1386. Do you think it would be to the advantage of the public that pledges below half-a-crown should not be permitted under any consideration?—I should have no hesitation in saying that under half-a-crown there should be no pledges at all.

1387. The amount is so small that there is no class of the community to whom it can be of any advantage, I presume?—I do not think that half-a-crown is likely to meet the case of a provident man in distress, and the likelihood is that that half-crown is spent in drink.

1388. Do you think that the present system encourages vice and improvidence?—I am clearly of that opinion.

1389. Have you any idea of the average value of the pledges in Glasgow?—I think it will run to about 4*s.* or from that to 4*s.* 3*d.*, over the whole of the pledges. I am guided to that opinion by a pawnbroker who is pretty extensively engaged in the business.

1390. Can you give us statistics of the growth of this trade?—In the year 1861 there were in Glasgow 79 pawn offices, I think; I do not state that from official information, but I think I am correct. Now there are 109.

1391. In the year 1806 there was only one, I think?—That, I think, is the information which I have seen. The Act only came into operation in the year 1800.

1392. Do you think that the social position of the working classes and the poorer classes has improved with this increasing trade of pawnbroking, as regards their comfort and well-being?—Of course wages have risen, and the working classes as a whole, I should think, are in a better condition than they were.

1393. I am speaking of the class who deal with pawnbrokers; do you think that they have improved?—I do not think they have improved, but, on the contrary, that they are getting worse.

1394. Is it not the case, that poverty, misery, and disease have increased very much within the last 10 years in Glasgow amongst the very lowest of the population?—They have increased, and they are increasing.

1395. Are you aware whether the parties pledging for those small sums are Scotch, English, or Irish?—I believe the large majority are Irish.

1396. Are the great majority of your pawnbrokers Irish also?—I could not say that; I know that there are some Scotchmen amongst them, and I know that there are some Irishmen; I should think the Irish element would preponderate.

1397. Mr. *Ridley.*] Do you know whether it is the habit of pawnbrokers in Glasgow to retain the duplicates after the pledges are redeemed for a certain time, or to destroy them at once?—I understand that they retain them for some time.

1398. Is that decidedly an advatage to the public?—It enables you to go back upon the transaction more easily.

1399. Would it be an advantage that it should be required of all pawnbrokers to keep books of an exactly similar character?—I would have in any Act which might be passed hereafter a schedule defining the book to be kept, giving a specimen of what might be desirable also in regard to the ticket, so as to have an uniform ticket.

1400. What books do you consider it desirable that a pawnbroker should be obliged to keep?—I think the two books which they have just now are very good, one for pledges up to 10*s.*, and another for pledges above that amount.

1401. You

1401. You were speaking of the number of pawn tickets which you occasionally found upon the persons, or in the rooms of thieves; I suppose it is quite the exception for thieves to redeem pledges?—I would not like to say that it is exceptional altogether, for instance, a thief acquiring a sum of money by theft at any time, lives upon that until it is spent; then when that is done, he may lift with some of the money the articles which he has pledged before, and then when the money is done he goes back and pledges them again, until he commits another theft.

1402. Have you any idea of the ratio of forfeited pledges in Glasgow?—I have not.

1403. Mr. *R. Arkwright.*] Is there generally more than one entrance to the pawnbrokers' establishments in Glasgow?—Frequently there are three or four entrances, but I think, as a rule, they have more than one.

1404. And you very often find them at the corners of streets, do you not?—There are some at corners of streets, but they are always up closes or courts.

1405. Do you find that that increases the difficulties of the police in watching suspected places?—The more numerous the entrances to the pawn office, the more difficult it is for the police to control it.

1406. Would you suggest any restrictions on the number of entrances?—I think it would be very desirable to have only one entrance to a pawnbroker's, and that entrance as public from a public street as possible.

1407. Do you think there is any adequate reason for allowing more than one entrance?—I do not think so; I do not see what purpose it can serve, except to screen people going up to the pawn office. The largest warehouses in Glasgow have entrances flush with the most public streets.

1408. Colonel *Beresford.*] Do you come here voluntarily to-day, or at the request of anybody?—I came here from a notice which was sent down through the post from the Committee.

1409. Have you made yourself acquainted with the Bill which is now before the House?—I have.

1410. Do you think that the present rate of interest which pawnbrokers get, is not sufficiently remunerative?—I would not like to express an opinion upon that; I do not think that I am in a position to do so very well.

1411. Do you approve of freedom of contract?—I do not; but I am clearly of opinion that whatever may be the rate of interest that a pawnbroker is allowed to charge, it is desirable that it should be a remunerative one; that is to say, that it should remunerate him properly for his time and trouble, and money; for I would expect that if you did that, you would increase the respectability of the pawnbroker and of the trade generally.

1412. According to your evidence, it appears that out of five and a-half millions of pledges, five millions are for sums under 10 *s.*; the conclusion is, that the business generally done at Glasgow is of what is called the "low" class?—Yes, there is only one pledge in twenty that is above 10 *s.*

1413. As I understand it, they are two quite distinct businesses, or at least nearly so; it is so in London at any rate?—The same pawnbroker carries on both branches, but he enters them in different books.

1414. But you would not find the more wealthy man, at all events in a city like London, doing much of the low business?—No; the higher the class of the pawn offices the less of that is done. We have one or two pawn offices where they have very few small pledges, the majority of the pledges being of the higher class.

1415. You spoke about the necessity of the getting of a license being preceded by a certificate from the magistrates; why should not the magistrates issue pawnbrokers' licenses just as they issue spirit licenses?—The magistrates do not issue spirit licenses; they merely issue a certificate to the Excise that they may grant a license.

1416. Do you think that the license should be renewable from year to year, and that in the event of complaint against the pawnbroker it should be stopped?—From year to year it should be renewed, and the authorities should be entitled to state to the court any contraventions that had taken place during the year by the pawnbroker, and let the magistrates judge whether he should continue a licensed pawnbroker or not.

1417. Would you do away with pawn-shops altogether?—I do not think that would be a loss to the country, or a national calamity, supposing that they were done away with altogether; I think that if we did without them up to the year 1800, we should be able to do without them now.

1418. *Chairman.*] But there was a time, was there not, when the people of Scotland did without breeks?—That was not done for want of breeks.

1419. Colonel *Beresford.*] I suppose that the reason for your proposal to confine the time during which the pawnbrokers' shops should be open to daylight is, that you consider that illegal pawning, and the pawning of stolen goods, would take place after daylight with greater facility?—I think the darkness is a facility for illegal pawning.

1420. And you would not at all advocate, as one witness from the country did, that the pawnshops should be open all day, and all night too?—I should think that would be very wrong, and very injurious.

1421. Mr. *Plimsoll.*] You have told the Committee that you estimate the number of pledges annually made in Glasgow, at five and a-half millions; how did you obtain that information?—I know the number of pledges during the month of May last.

1422. But how did you obtain the information?—From the pawnbrokers' books.

1423. Then it appears that the pawnbrokers' books, which the law gives the police power to search, with a view of recovering stolen goods, are searched for other purposes as well?—I knew that this inquiry was likely to arise.

1424. But the law gives the police power to inspect those books for the purpose of discovering stolen property; it would appear that those books are searched for other purposes as well?—I think it is quite a proper purpose. I do not know for any other purpose for which it is used, unless for this purpose, of which I am about to speak.

1425. Do you think it reasonable that pawnbrokers should be required to aid the police in the discovery of crime, and to attend before the magistrates, being unpaid for that attendance; and do you think that their being unpaid is likely to make them at all zealous in helping the police?—I think the fact of their not being paid tends the other way.

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1426. They wish, I suppose, to avoid unpaid labour as much as other people?—They do, of course.

1427. You say that you think that the minimum pledge ought to be 5*s.*; supposing that a person had something to pledge, on which a pawnbroker would not advance more than 3*s.*, or 2*s.*, or 4*s.*, and that the owner of the property was perfectly honest and was reduced to straits, what would be his condition in that case?—He could go and sell the article.

1428. But would it not be much better that he should be able to obtain a temporary advance upon it?—No; I think the disadvantages arising from the fact of there being too much inducement to pledge more than counterbalances that.

1429. Mr. Alderman *Carter.*] You spoke at the commencement of your evidence of some disreputable practice on the part of some pawnbrokers in Glasgow; I suppose that you referred to a very small number of pawnbrokers, and not to the general body?—A very small number. My remarks, in fact, were confined to three pawnbrokers out of 109.

1430. You stated, did you not, that the brokers in Glasgow kept books open to the inspection of the police?—I did.

1431. But have you a right at any time to go into a broker's shop and inspect his books, unless you have reason to believe that he is possessed of some stolen propety?—At any time during business hours, the police are entitled to go into a broker's shop and examine the books, and examine the articles which are sold.

1432. Would you wish that the police should have such privilege in reference to the books of a pawnbroker?—They have that already in Glasgow.

1433. You said that you would restrict, or give the magistrates power to restrict, the number of pawnbrokers; have you considered what effect it might have upon the people who are obliged to pawn, if there was no competition whatever?—I think that the number of pawn offices, when it is excessive, holds out unnecessary inducements to the improvident to go to a pawn office.

1434. Do you not think that there are many improvident people who could very easily pawn something worth 1*l.* as well as something worth less than half-a-crown?—As a rule, I should say that the improvident are more likely to pledge things under 10*s.*

1435. But are there not many improvident people who would pledge articles above 10*s.*?—No doubt, in a population of half a million, as we have in Glasgow, there must be a number of improvident people who would have a number of things to pledge above 1*l.* in value.

1436. Have the pawnbrokers of Glasgow periodical sales of the goods which are not redeemed?—They have frequent sales; I see them advertised very frequently.

1437. *Chairman.*] Do the pawnbrokers in Glasgow generally carry on the business of dealers in commodities and sell goods?—They have sale rooms generally attached to their pawn offices, where they sell articles which have been bought at their sales, and articles the time for which has expired under 5*s.*

1438. Do they deal generally in commodities such as second-hand goods?—I do not think that, as a rule, they do.

1439. To a large extent they are prohibited from doing so under your Act, are they not?—They are not entitled to be either brokers or publicans, but that is the only restriction upon them.

1440. Colonel *Beresford.*] Is it not the case that the larger the number of pawnbrokers the greater would be the competition?—The greater would be the competition.

1441. Consequently would not inducements be held out to people to pawn owing to that competition?—It would.

1442. Do you suppose that if they were much restricted in number the pawnbrokers could be prevented from increasing their rates, or that they would not do so contrary to law?—I think you would be more likely to have a respectable class of pawnbrokers the fewer the number was, because the business would be more remunerative.

1443. It is the competition which reduces the profits, is it not?—The competition might induce the pawnbroker to resort to illegal means in carrying on his trade if it was not a paying trade.

1444. Mr. Alderman *Carter.*] Do you know as a fact that most of the pawns under half-a-crown are spent in drink, or is that an impression which you have?—I do not know it from having picked out a number of pledges of that sort from a pawnbroker's books, and followed the individuals who made those pledges, and seen how they spent the money; but I have a pretty good notion of the kind of people who make those pledges, and I have a pretty good notion of the way in which they spend the money.

1445. Mr. *Orr Ewing.*] Do you give that evidence from your own observation and knowledge of the people of Glasgow?—From an observation extending over 20 years.

1446. And you have no hesitation in stating it as your belief?—I have no hesitation in stating it as my belief.

1447. It is a thing which is almost impossible to come at positively, is it not?—I do not see how it could be done very easily.

1448. Mr. *Montague Guest.*] Are there a great many shops in Glasgow which are called "wee pawns"?—We have about 450 in Glasgow under licenses; those are the brokers which I have spoken of.

1449. Colonel *Beresford.*] Have you any of the places called "leaving shops" in Glasgow?—The "wee pawns" in Glasgow are something similar to the leaving shops in London, but they are under a license. As regards the affidavit, I think it would be desirable that the magistrate or the justice of the peace should be relieved in some way from that disagreeable duty. It is not done as pointed out by the Act in the meantime; that is to say, the people do not, as a rule, appear before the magistrate, and make an affirmation. The pawn ticket is very frequently indorsed by the magistrate without the presence of the individual. In Glasgow we have at least 500 affidavits every week. Now, it would a very irksome and a very disagreeable duty for an unpaid magistrate to attend to all that business, and to do it as is contemplated by the Act.

1450. *Chairman.*] How do you account for so many tickets being lost in Glasgow?—I think it is an indication of the drunken habits of the people who have pawn tickets, that they destroy them or lose them while they are in a drunken state.

1451. Did you ever hear of any questions subsequently arising as to the honesty of those affidavits?

avits?—I have known such things, but I do not member the particulars; I have known people and make an affidavit and get the goods, who ere really not the persons who should not have t them.

1452. Have you known many such cases, or e they rare?—I have known some such cases, t not many.

1453. Have you anything further to add to our evidence?—I think that there should be me officer appointed by the magistrates to at- d to such matters as affidavits, and perhaps at a fee of one penny, or something of that t, should be paid.

1454. Would that make them look more care- lly into the application to see that it was honest d proper?—I think so.

1455. Can you inform the Committee whether Glasgow there is a separate class of people who ceive stolen goods, and keep their melting pots ady, and so forth?—There are in Glasgow a mber of re-setters, who do nothing else than set stolen property.

1456. Is it your opinion that the stolen goods go chiefly into the hands of those people or into the pawnbrokers' hands?—With regard to such articles as watches, and watches which are well marked, and which the police have an opportunity of getting, those go into the hands of the re-setters, to the greatest extent; but as regards wearing apparel which is not so easily distinguished, I think a good deal of that goes to the pawnbroker. Mr. *A. M'Call.* 23 June 1870.

1457. Do you think that the pawnbrokers are able, when property is brought to them to tell whether it is stolen?—I think they very frequently have a difficulty in distinguishing whether it is an article that has been described by the police or not; and even the police in trying to trace an article, may have a difficulty in picking it out.

1458. Mr. *T. Hughes.*] Then is it your opinion that the present system of pawnbroking fosters petty theft in our great towns?—I have no doubt of it; its tendencies are very considerably in that direction.

Mr. WILLIAM MILLER, called in; and Examined.

1459. *Chairman.*] ARE you a Magistrate of e city of Glasgow?—I am.

1460. Have you taken an active part in the ministration of justice by the magistrates of lasgow?—I have for the last two or three ars.

1461. Has that afforded you any opportunity seeing the mode in which the business of pawnoking in Glasgow is conducted?—Yes; it has orded some opportunity of gaining an insight o the mode of pawnbroking in Glasgow.

1462. Is your experience confined to what you ve observed in Glasgow?—Not altogether; I ve acted as justice of the peace for the counties Renfrew and Lanark, for a much longer riod; and I have attended similar courts there both counties, and that has also given me ne insight into the subject.

1463. What is your opinion of the mode in hich the business of pawnbroking is carried on Glasgow; do you think that it is generally rried on with care and prudence, or in disrerd of the Acts?—I should scarcely consider yself competent to give an opinion upon that bject, because that is not one which comes bere me.

1464. Then what is your opinion of the effect the system of pawnbroking on the condition of e people of Glasgow?—My opinion is, that to very large extent, it contributes to demoralise e lower portions of the community, by affordg facilities for getting drink.

1465. In what way do you measure the lower rtions of the community with regard to the lue of the goods pledged, or how would you stinguish the one from the other?—By those ho have come under my own observation.

1466. But when you speak of the lower porons of the community, how do you measure em in regard to the pawnbrokers; is it by the nount that they obtain upon their pledges?—If understand your question aright, I measure them those who have come under my own observaon.

1467. But what I want to know is, where you aw the line as to the lower portions of the comunity?—The lower portions of the community, I would consider to be those who are not only poor, but who have fallen into bad habits, and are in a state of misery and wretchedness. Mr. *W. Miller.*

1468. But do you think that the fact of their being able to pledge their things brings about their bad habits and their misery, or that it is merely a consequence of those bad habits?—I think it must have very largely contributed towards the present result that we see.

1469. Do you think that the same people would not sell their goods or get money upon them from other means, if there were no pawnbrokers?—I do not think they would.

1470. Do you think that would be the result, supposing that the system of pawnbroking was altogether abolished?—I think they would be led to rely more upon their own resources, and to be more provident in their habits.

1471. Do you think that the mere fact of their not being able to go to a pawnbroker's shop would improve their habits?—I think that the fact of their having been so long able, so readily to raise money in that way, has contributed greatly to make them improvident in their habits.

1472. But supposing that there were no pawnbrokers' shops they would be at liberty to get money in any other way they liked, would they not?—I think it is very probable that if there were no pawnbrokers' shops great difficulty would be found for sometime; that is to say, that if you were suddenly to close all the pawnbrokers' establishments, you would create great difficulty; but had those establishments never existed, I think the habits of the people would have been very different now from what they are.

1473. Do you go the length of saying that poor people should not be at liberty to borrow money on their property?—I would say that it would be very much better if they had some other means of raising money in case of necessity.

1474. But would you propose that there should be a penal law to prevent some classes of the community (if they were capable of definition) from borrowing money upon their property?—I would not go so far as that.

1475. Then would you leave it open to them

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to borrow money in any way they could?—I would not leave it altogether open. I would not leave it open to them to reduce their families to a condition of wretchedness, as they do at the present time, and also to subject themselves to disease in cold weather by parting with those things that are necessary for their comfort and sustenance.

1476. Would you have a law to prevent people selling their clothes or other commodities?—I think it would be a most desirable thing to have a law even to prevent people from making themselves and their children so poor and miserable as they are at present. By parting with their clothing and those things that are necessaries of life, they throw the burden upon others, the well-doing portion of the community in a great measure.

1477. Until they become a burden upon the parish, who could interfere with a family to know how they were getting on, and what they were doing?—They may become a burden upon the community without being thrown upon the parish. For instance, if they part with their clothing so as to render themselves almost naked, they make themselves much more liable to disease. We are obliged to support a fever hospital for the relief of the poor, and no doubt those people are rendered more liable to fever for instance, through parting with the necessaries of life; I only state that as one instance.

1478. But what I am anxious to know is, how you would carry out your views of interfering with the condition of a family when they make no claim upon the public for relief?—In the way that I have indicated, by preventing them from stripping themselves and their children of those things that are necessaries of life.

1479. To give us a practical idea of it, would you allow every policeman in Glasgow, when he saw a man whom he did not think well clothed, to summon him before a magistrate in order that he might be punished?—Certainly not.

1480. Then what would you do practically, so as to carry out your views?—I would prevent such facilities as are at present allowed for disposing of that clothing that is necessary.

1481. Then do you mean that you would put everybody in the position of a soldier, and make it illegal for him to sell his clothes, or for anybody to buy his clothes from him?—We are dealing with pawnbrokers at present, I understand.

1482. I know we are; but I want to understand your view as to the means by which you are to prevent a man who wishes to raise money upon his clothing from doing so. Do you go to the extent of a general prohibitory or penal law against a man obtaining money upon his clothes; because, if you abolished pawnbrokers, the whole thing would be free, would it not, for a man to get money in any way he liked upon his clothes, or would you make it a universal law that a man should not be allowed to get money upon his clothes?—I should certainly seek by legal measures, to prevent the poor from making themselves so wretched as they are often at the present time.

1483. Have you observed any inconvenience from the mode in which people make affidavits for the purpose of getting back their goods without tickets?—No; I cannot say that I have.

1484. Has that enabled you to see what is the character of the goods pledged of which the tickets are lost?—It has, to that extent.

1485. What do you generally find to be the character of the pledge when the tickets are lost?—I find it to be always what would be called a small pledge.

1486. And generally for what sort of commodities?—Generally bed or body clothing.

1487. Do you infer from that, then, that there is a great amount of pledging of bed and body clothing in Glasgow?—I do.

1488. For what particular object do you think the people make those small pledges of their bed and body clothing?—To obtain money to purchase drink very frequently.

1489. How do you know that the money goes in drink, and not in food?—It comes out in evidence very frequently.

1490. Is there much practice in Glasgow, as far as you know, of pledging the goods on Monday, and taking them out of pledge on Saturday, when the people get their wages?—I understand that to be the case; but I do not speak as to that from my own personal knowledge.

1491. But it would seem, would it not, if so many people have to make affidavits, that there is a disposition on their part to get back the articles pledged?—I have no idea for what purpose they want their tickets.

1492. But their coming to make those affidavits would show that the people take some trouble to get their goods out of pledge when they pledge them?—No doubt.

1493. Is there any charge for the affidavit?—None.

1494. How do you account for those improvident people, who not only make pledges but lose their tickets, being provident enough to go and make an affidavit to get their clothes back again?—I suppose they do so, because they want to get them back again.

1495. Have you any means of judging how far the advances are made up to the full sum that could be fairly lent upon the pledges?—I have had a good many opportunities of judging of that, and I have from that formed a general opinion that the amount advanced upon the articles was not at all equal to their value.

1496. When you speak of their value do you mean with regard to the cost of the goods to buy them, or what a man would get if he sold them by auction, for instance?—No; I mean what the article would bring if it were sold in a fair way. If sold by auction of course it would be a totally different thing.

1497. Then if a pawnbroker is to sell goods in a fair way, you mean that he is to keep a shop to sell them?—I mean in reference to the parties themselves if they come to sell them themselves and negotiate a sale of them.

1498. To a clothes dealer?—To anyone. It appears to me that they ought to get more money for them.

1499. In that case the man, to the extent of his particular clothing, is undertaking the business of a shopkeeper and selling the goods, is he not?—Yes, so far.

1500. If a pawnbroker has to estimate his goods in that way he would have to deduct all the expenses of keeping a shop to sell the goods would he not?—Yes, he ought to be allowed for his expenses.

1501. Therefore your estimate would hardly be an accurate one, would it, as to what he ought

ught to take as the value of the goods?—If he ere obliged to sell them in detail there would e expense connected with that.

1502. His price is the price for which they ould all sell wholesale at once if thrown into me market and disposed of, because that is his ight, is it not?—Probably so.

1503. What do you think of the rate of in- erest charged by pawnbrokers?—I observe from eir table that the rate of interest, generally peaking, is founded upon 20 per cent. Now, onsidering that the pawnbroker has what we hould call good security for the money ad- anced, I cannot see why he should be allowed o charge 20 per cent. interest for it.

1504. You have not taken into account any- hing but the mere transaction of lending the oney and getting repayment, have you?—I hink the pawnbroker should have a fair allow- nce for the expenses connected with taking in he pledges, registering them, storing them, and iving them out again.

1505. In small transactions, at how much do ou think that might be estimated, say, in a tran- action under 5 *s.*?—Of course I do not know hat are the expenses of a pawnbroking establish- ent; but I find by calculation in Glasgow that halfpenny on each pledge, taking the average umber of pledges, is equal to 100 *l.* a year to he establishment; so that if the expenses of the stablishment are 100 *l.* a year, a halfpenny would e sufficient remuneration. That, of course, is small estimate for expenses.

1506. Therefore it would be necessary to have omething more than a halfpenny to pay the ex- enses incident to the transaction, apart from the nterest of the money, would it not?—If small pledges are to pay as much on that head as large nes, then they would require to pay more than halfpenny.

1507. Therefore in that case the 20 per cent. ould not be enough, would it?—I speak irre- pectively of the interest altogether; I look upon he interest as a separate thing.

1508. But when people speak of interest on oney, they mean return for capital without any abour, trouble, or expense connected with it, o they not?—Usually.

1509. Then everything else except that be- omes a charge in addition that has to be met, oes it not?

1510. Have you estimated at all what that ould come to upon this transaction of 5 *s.*?— should scarcely feel myself qualified to form an stimate of that.

1511. Supposing that I knew, as a fact, that he receipt of every small sum by the Post Office n the savings banks costs 6 *d.*, would you think hat the Post Office was charging an extortionate ate for being bankers for 5 *s.*, on deposit for a eek, if it charged 6 *d.*?—I would think that no ne would go into the transaction at all on such erms.

1512. Still would you think it wrong if the ost to the Post Office was 6 *d.*, that they should harge that cost, and would you leave it to the erson who dealt with them to deal with them, r not, as he pleased upon those terms?—I sup- ose so.

1513. Would you apply the same rules to pawnbroking, and if you found that the cost of ach transaction was 3 *d.*, would you, or would ou not, leave it to the public to pay it, if they pleased, and would you allow the pawnbroker to charge that?—I think a pawnbroker is en- titled to charge a fair remuneration for his ge- neral expenses.

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1514. And for his own labour?—That is in- cluded in general expenses.

1515. And for all the risk that he undertakes? —The risk that he undertakes ought to be covered, I should say, by the rate of interest.

1516. But ought he not to be allowed to charge for the risk incident to special legislation, and special responsibility, or the contingency incident to his business; such as the probability of having stolen goods imposed upon him, and otherwise? —I should say that that ought rather to be covered by the charge of interest.

1517. But I thought you defined interest to be the return for the use of capital, without any- thing else but the mere profit upon the capital? —I think interest is usually according to the risk that is run.

1518. Then you would allow a rate of interest sufficient to cover all the risks incident to the transaction?—Yes.

1519. However, you have not had any means of ascertaining what the proper rate would be, under any conditions?—Not further than I have already stated.

1520. Have you any alterations to suggest in the present law which would be, in your opinion, beneficial to the community?—Yes, I think it has been stated by the former witness, that pawn- brokers ought to be under the control of the magistrates of the city, and that the magistrates ought to have the power of granting those cer- tificates previous to their being licensed; in fact, that they ought to be put upon the same footing as publicans in that respect.

1521. Have you any other suggestions to make? —I would suggest also that better provision should be made for the reversion of those pledges coming to the owners, the pawners of the goods, and that that reversion, if there were any, if the pawners of the goods could not be found, should be paid over to some of the charities of the city.

1522. Would you propose that where a pawn- broker sustains a loss from goods not being re- deemed, and is obliged to sell them, the charities of the city should indemnify him?—No.

1523. Who would indemnify him then?—It is one of the risks that he runs, and is paid for.

1524. Then would you make him bear the losses, and give the profits to the charity?—No.

1525. Is it not an exact case of profit and loss, that he loses upon some pledges which are not redeemed, and gains upon others which are not redeemed?—He is paid for his risk in the interest that he charges. He has nothing further to do with the pledges than to get the amount which he has advanced repaid to him.

1526. But here are a number of pledges; some sell for less than the amount due, and some sell for more than the amount due; in the ordinary course of business that would represent what is called profit and loss, and people set their profit and loss off against one another, do they not, in business?—Yes.

1527. Is your proposal, that the loss should be borne by the pawnbroker, and the profit by the charitable institution?—No, I should say that there should be a balance of accounts.

1528. Should you say that if the sale on the whole realised a profit it should be paid over?— Yes.

1529. Then if, on the whole, there should be a

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loss, the person who receives the profit according to the ordinary law of the land, bears the loss, does he not?—Usually in matters of business, that is so; but this is a little different from a mere matter of business.

1530. Evidently; but the question which I am asking you is, whether the demand which you would make is a sound one, that somebody should receive the profit and not bear the loss?—I think the pawnbroker has taken his risk into consideration, and charged his rate of interest accordingly.

1531. Mr. *Orr-Ewing.*] When he gets more money on an article that is pledged to him, it does not belong to him, but it belongs to the party who has pledged the property, does it not?—Quite so.

1532. And you say, if he cannot find out who that party is, he ought to give it to charity, and not to put it in his own pocket?—Quite so.

1533. *Chairman.*] Is it not part of his system, that he deals with people without knowing that they are the right people, and that they come to him, and that he does not go to them?—Yes.

1534. Does he not take all the risks incident to conducting that sort of business one way and the other?—Yes; I have another suggestion to make, which has been made already; that there should be restrictions laid upon the pledging of articles that are necessaries of life; that I went into before.

1535. Mr. *Hambro.*] You advocate a reduction of interest, I think, do you not?—I do.

1536. But would you not suppose, that if the poor want to borrow money, they are more likely to borrow money if they can, at a cheaper rate of interest, than if they have to pay a dear rate; does not the high rate of interest which they have to pay for their money sometimes restrain them from borrowing?—I am afraid that it very seldom has that effect.

1537. Mr. *Orr-Ewing.*] You have taken a great interest all your lifetime in the social condition of the lower classes, have you not?—I have to a certain extent.

1538. And apart from the official positions which you have held in the city of Glasgow and in the neighbouring counties of Renfrew and Lanark, you have had ample opportunities of observing the habits of the lower classes of the population?—Yes, I have visited a good deal amongst the poorer classes for many years.

1539. For the purpose of raising them from their degraded position?—Yes.

1540. During those benevolent visitations of yours, have you observed the evil influences of the pawnbroking system?—Very frequently.

1541. In visiting their houses you have found, I suppose, very frequently, no furniture?—Very frequently; scarcely anything.

1542. Nothing to lie upon possibly but a heap of straw?—Very frequently.

1543. No bed clothing?—No.

1544. And hardly a rag to cover the nakedness of the heads of the family and the children?—I am sorry to say that I have very often seen that state of things.

1545. Have you traced out that those parties had furniture, and had clothing for their bodies, and bed clothing, and that it was in the possession of the pawnbrokers?—I have never traced it exactly to a pawnbroker's establishment.

1546. But have you been informed by the parties themselves that that was so?—Yes.

1547. Mr. *T. Hughes.*] I understood you to say, that the pawnbroking system gives great facilities for making away with stolen goods in Glasgow; is that the result of your personal experience as a magistrate?—Yes.

1548. We have it in evidence, that in England there are other shops which are used for receiving stolen goods, and that very rarely such articles as have been stolen came into pawnbrokers' hands; can you recollect in your experience as a magistrate, whether, for instance in a year, you would have had a dozen cases of pawnbrokers' shops being used as a method of getting rid of stolen goods?—I know that very frequently in the police courts pawnbrokers appear in cases in which the magistrates are obliged to say whose the article (a watch probably) is, and it has appeared in evidence, and it usually appears in evidence, that this watch has been stolen from the person of the party who lost it. That is quite a frequent occurrence.

1549. Do you think that petty theft is fostered by the pawnbroking system, so far as Glasgow is concerned?—I have not the slightest doubt of it.

1550. I understand you to hold that the pawnbroking system could not be done away with, but that you must have something of the kind?—I suppose as society exists at present, the system has become a kind of necessity, but it is a necessity of the peoples' own creation, I think; improvident habits have created this kind of necessity.

1551. Is it more extraordinary than the banking system for the richer classes of society, and must not the poor have some place where they can go and get advances upon easy terms?—It used not to be so in former days, and it is not so in many parts of the country still; I do not think that the really deserving poor are ever left to starve, or very seldom.

1552. But as matters stand at present in England, you do not see your way to the abolition of the system, but you think that those modifications would be improvements; is that your view?—I certainly do not see my way to the abolition of the system now.

1553. Have you ever considered the idea of making pawn shops public institutions, such as they have in some continental countries, where they are in some places connected with the government, and in others as private charities?—I have thought a little on that subject, and it has occurred to me that the Government of this country might very well take up the whole question.

1554. But you have not studied the foreign system, or thought the matter out, have you?—I have not; I do not know the foreign system.

1555. Mr. *Ridley.*] Nor the Irish system?—I know a little of it, but not very much.

1556. Mr. *Crum-Ewing.*] Do you happen to know the quantity of blankets that are in pawn shops in Glasgow?—Of course I do not know positively, but from certain data I have been led to believe that the number is very large; although I have no means of knowing the quantity.

1557. Are you aware of blankets which have been given by benevolent persons to poor individuals having been pawned frequently?—No I would not say that that has come under my own observation.

1558. Mr. Alderman *Carter.*] Do you think it would be a crime for a poor person who has received

ceived a blanket, or anything else in that way, o pawn it for a few days rather than either to low the family to suffer hunger, or than to pply to the relieving officer?—I would not call a crime.

1559. You said that no one would be allowed starve, and a person might be too proud and o independent to beg, and might take this ode of borrowing a small sum to help him rough a difficulty; would there be anything rong in that?—I think it would be much better they would take another mode of relieving emselves.

1560. What would that be?—Borrowing from me one of their neighbours. I know that the oor are generally kind to the poor.

1561. *Chairman.*] Do you think that a man is kely to get the best terms from a pawnbroker from a friend?—I think it is very probable at he might get the advance from a friend ithout having to pay for it at all.

1562. Mr. *Orr-Ewing.*] I suppose you have und in your experience that the frugal, well-to- tradesmen never deal at the pawn shops?—I o not think that they do.

1563. But that it is only the vicious, and the nprovident, and the dissipated?—Yes, it cer- inly is so. If an individual once gets into the abit of resorting to the pawn shop, it is neces- rily almost impossible for him to get delivered om that habit, because the interest that he pays onstantly weighs him down.

1564. Have you considered the amount of money that is yearly spent in the city of Glasgow by the lowest portion of the working classes in pawning?—I have tried to come at some sort of estimate of that, and the result has been that it appears to me that from 150,000 *l.* to 200,000 *l.* a year is spent in interest. Mr. *W. Miller.* 23 June 1870.

1565. Is not that more than is spent in all the religious observances and education of the city?—I should think a good deal more.

1566. And that is spent by the lowest portion of the community, is it not, people who never think of going to church, and who have no education?—Many of those people are, I believe, very regular in their attendance at church.

1567. Colonel *Beresford.*] In order to restrict the pledging of goods by the working classes, would you have a minimum that would shut out a good deal of pledging, such as that the pawnbrokers should not advance upon a less sum at a time than 5 *s.*, or 4 *s.*, or something of that sort?—Yes; the sum that I had thought of in my own mind, was 2 *s.* 6 *d.*; that no advance should be made under 2 *s.* 6 *d.*

1568. I suppose that, as is the case in London, many of those people keep constantly pledging a thing, taking it in on one day of the week, and taking it out six or seven days afterwards?—I believe that is the case. I would put on that restriction, as I said before, for the purpose of preventing them from pledging what were the mere necessaries of life.

Mr. FREDERICK WILLIAMSON, called in; and Examined.

1569. *Chairman.*] ARE you Superintendent f the Detective Police of the Metropolis?- - es.

1570. How long have you held that position? —I have been superintendent for some 12 months, ut I have been in the police over 20 years.

1571. Have you had much opportunity of see- ng how the business of pawnbrokers is carried n in London?—I have.

1572. Have you observed at all to what extent hey carry out the Act which requires them to ake some trouble in receiving pledges if they hink them suspicious?—I think, certainly, the espectable class carry out as far as they can the rovisions of the Act of Parliament, with this xception, that I do not think that they are uite so clear as they should be in giving their ickets. They do not write them clearly and egibly, and they do not carry out the Act of arliament in regard to householders and odgers.

1573. Do you think it is difficult or easy for a awnbroker to know whether a person who comes nto his shop is a householder or lodger?—That a very difficult thing, I think, for him to dis- inguish, but he should ask the question, I think.

1574. Do you see any mode by which a pawn- roker may inform himself more than he does of he name, address, and position of the person who comes to him to pawn?—I do not.

1575. Do you consider that the pawnbrokers o or do not afford facilities for the detection of tolen goods by the way in which they conduct heir business?—A large quantity of stolen goods nds its way into the hands of the pawnbrokers.

1576. To what do you ascribe that?—They ffer facilities in the mode of their business.

1577. In what way particularly?—The business itself of pawnbroking offers facilities for disposing of stolen goods. Mr. *Williamson.*

1578. Do you mean that the mere fact of their keeping an open shop to lend money upon goods brought to them under the Act affords a certain amount of facility to people who have stolen goods to make away with them?—Just so.

1579. But do you think a pawnbroker himself, by the way in which he conducts his business, affords facilities beyond what the circumstances naturally give?—I think not.

1580. Is it your opinion that, on the whole, they do or do not fairly carry out the provisions of the Act, which requires them to be careful in receiving pledges?—I think the majority of them among the respectable class do so.

1581. Do you think that there are many of the licensed pawnbrokers upon whom the police look with suspicion as affording any peculiar facilities for receiving stolen goods?—I am not aware of any.

1582. Do the police find, in attempting to trace stolen goods when they have notice of them, that there is much obstruction thrown in their way by the pawnbrokers?—They would offer no very great obstruction, but they give us very few facilities as a rule.

1583. In what respect do you find them wanting in giving facilities?—The probability is, that if I went with a ticket to a pawnbroker, and asked him if he had the thing in pledge, he would say, "Yes, but I will not show it to you except on condition that you pay me the interest." We have no power to force him to show it; we can only summon a pawnbroker before a magistrate, except some one is in custody.

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1584. Then to see them without paying the fine, you must have a search warrant, must you not?—Yes, but I never knew of a search warrant being granted under such circumstances.

1585. But the pawnbroker in relation to the police is in quite the same position as everybody else, is he not, inasmuch as he must produce the goods to the police officer who has a search warrant?—Quite so.

1586. Do not the police sometimes exercise a discretion of their own, in looking at peoples' things, and run the risk, although they are not entitled to look at things without a search warrant?—Quite so.

1587. But you do not exercise that discretion in relation to pawnbrokers generally?—No.

1588. Do you think that any alteration might be made in the law for the purpose of facilitating the action of the police in tracing goods unlawfully pawned?—Yes, I think that the Glasgow Police Act, in a modified form, would do very well in London.

1589. Do you think that that would get over the difficulties?—To a great extent I have no doubt that it would.

1590. Have you known many cases in which the pawnbrokers have been fined for contravening the Acts which regulate their business?—I cannot say. That is a thing which would not come much under my observation.

1591. Have you had many means of observing whether the people among the poorer classes complain much of the treatment which they receive from pawnbrokers, in pledging their goods?—I think not; I think as a rule, from my experience, that the poorer classes are pretty well satisfied with their dealings with pawnbrokers.

1592. What is your opinion of the capacity of the poorer classes to transact business with the pawnbroker as to knowing the value of what they take?—I think the poorer classes who deal with pawnbrokers are generally pretty sharp and alive to their own interests.

1593. Do you think that they are quite capable of being trusted to enter into a transaction with a pawnbroker?—I think so.

1594. Mr. *Hambro.*] You recommended the extension of the Glasgow Act in a modified form to London; do you wish to confine the extension of that Act to London only, or would you apply it to the whole of England?—I mean to the whole of the United Kingdom.

1595. You think that there are clauses in the Glasgow Police Act which might be incorporated in a new Bill, supposing that one were brought in?—Yes, I think so

1596. Mr. *Orr-Ewing.*] I suppose you do not know much upon the general question?—No, only from what I have observed in visiting pawnbrokers' shops, and seeing how they carry on their business.

1597. But you cannot know much under the system which you have in London, seeing that you have no power of searching the premises?—Quite so; the knowledge which I have, has come to me not officially as regards pawnbrokers.

1598. A pawnbroker's establishment may be quite full of stolen goods, so far as you know, may it not?—Just so.

1599. And therefore the extent of stolen property which may be in the hands of pawnbrokers in London, or in any part of England, may be infinitely greater than we have any conception of, may it not?—Quite so, it may be more than we can conceive.

1600. And you would like to see an alteration in the law to prevent the possibility of that, I presume?—Yes, to make the pawnbroker render more assistance in bringing to justice people who have committed felonies.

1601. In Glasgow the pawnbroking system is under the inspection of the police, who can go in at any time to search the premises if they suspect that there is any stolen property there, should you like to have that power in England?—In a modified form. I do not think that any constable should have power to enter, but that that power should be retained in the hands of some responsible officer.

1602. Of course you would like to put it into the hands of the heads of the police only?—I should like to put it into the hands of the heads of the police only.

1603. But, with that exception, you would like to have the power, as I understand?—I think so.

1604. You seem to think that parties dealing with pawnbrokers are a very intelligent race of beings; is that your view?—I think they are very sharp, and alive to their own interests.

1605. Are they sharp because of their education?—I think that the lower class of people in London are generally very sharp where their own interests are concerned.

1606. Does that arise from their familiarity with crime?—I do not know that it does. When people get together in large masses, the necessity of living makes them sharp; they are obliged to be sharp to get their meat and drink.

1607. Should you consider their intelligence to be a vicious intelligence?—To a certain extent, perhaps, it might be a vicious intelligence.

1608. They are probably accustomed to deal with vice, and they are able to battle with pawnbrokers as to the value of the article which they are disposing of; is that the case?—Yes; I have no doubt that they know pretty well whether they are being charged the legal interest, and are getting the fair value of the article.

1609. Are they so intelligent that they might have freedom of contract?—I do not go so far as that; I think that there should be some legislative power to regulate the contract, because, possibly the one man would trade on the other man's necessities. I do not mean to say that it would be done, but probably some would take advantage of it.

1610. You think that they are not in so independent a position as to be able to deal with pawnbrokers, without their being some restriction by law?—I think there ought to be a restriction of law.

1611. Do you think that there should be some legal restriction as to the interest to be paid upon the advance upon the article, and as to its being retained for a certain time in the interest of the person who pawns it?—Yes; I think that there should be a distinction made as regards retaining articles. Wearing apparel and many other things which deteriorate in value, perhaps. I do not think it ought to be kept so long as jewellery, and such things as do not deteriorate.

1612. Mr. *R. Arkwright.*] Did you hear my question to Mr. M'Call, about the number of doors to a pawnshop?—I did.

1613. Do you agree with him?—Most of the pawnbrokers

awnbrokers in London have two doors; they ave generally, a side door, where people go in o deposit their pledges, and a front door to their hops, because most of them deal in other articles, esides absolutely carrying on a pawnbroker's usiness.

1614. Do you think that there is an adequate ecessity for more than one entrance?—I do not now that there is an adequate necessity, but robably the pawnbroking business would interere with their other business, supposing that ae shops had only one door. Many pawnrokers' in London carry on a large jeweller's usiness.

1615. Mr. *T. Hughes.*] With regard to roberies of jewellery, for how long do the police vatch sales; I suppose you watch the pawnrokers' sales, do you not?—No, we do not watch hem.

1616. If you do not watch the pawnbrokers' ales, it would seem to be inferable, that so far s your experience goes, very little stolen proerty goes through their hands?—I think a very arge amount of stolen property goes through heir hands.

1617. Then why do you not watch the sales?—The sales are very difficult things to watch..

1618. Are they not advertised?—They are dvertised, but it would entail a very great mount of labour, and it would be a very difficult hing to undertake.

1619. You send a list of all jewel robberies, I uppose, to the pawnbrokers?—We send a list very morning to all the pawnbrokers in the netropolis, of all roberies of jewels during the receding 24 hours.

1620. Do the pawnbrokers often communicate vith you upon the subject?—Not very often; and think that those notices are very often treated is a dead letter; they merely take them, and hey never look at them.

1621. Colonel *Beresford.*] In the event of this Bill which is now before the House, being passed nto law, if it should result in an increase of pawnbrokers' shops, do you think that would he i desirable thing to accomplish; do you think hat we want more pawnbrokers' shops in Lonlon than there are at the present time?—No, probably we have enough for our wants at the present moment; but I question whether if you estricted it, you would not probably be doing nore harm than good.

1622. In what way?—You would, in the first place, create a monopoly, and in the small neighbourhoods a class of men who keep "leaving shops," or "dolly shops," would spring up, and the poorer classes would go to them instead of going to men who have some standing, and who are so far respectable.

1623. Those leaving shops carry on their business illegally, do they not?—Yes, they carry on their businesses illegally.

1624. Why do you not stop them?—That is a question for the Inland Revenue, and not for us.

1625. Mr. *Crum-Ewing.*] Are there many of those unlicensed pawnbrokers' shops in London?—There are a great many in the poorer neighbourhoods, no doubt.

1626. Are they apt to receive stolen goods?—I cannot say that; I have no doubt that they deal principally in the smaller class of pledges, because at those leaving shops men can deposit pledges on Sundays and at various other times, when the licensed pawnbrokers cannot take them in.

1627. You mentioned that there were two doors generally to the pawnbroking establishments; is one door more public than the other?—One is more public than the other.

1628. Is the one by which the pawners enter the more private one?—The one by which they enter is the more private one. A pawnbroker's shop is generally divided into boxes.

1629. That is to prevent people from seeing the pawners going in, I suppose?—Quite so, for the sake of privacy.

1630. Colonel *Beresford.*] Are you aware that, in order to avoid the law at those leaving shops, they sell the articles, but on the understanding that, if the pawners pay so much by a certain day they have them back again?—I believe that they evade the law in that way.

1631. Mr. *Orr-Ewing.*] Those unlicensed pawn shops are against the law, are they not?—Yes.

1632. Why do you not put them down?—A pawnbroker is licensed by the Inland Revenue, and it is a quastion for the Inland Revenue, and not for the police.

1633. Do you think that those unlicensed pawnbrokers do not properly come under your department, but under the Inland Revenue?—Quite so.

1634. Ought it not to be your duty to see that the law is carried out in every way?—Probably; if we had sufficient evidence in a case, notice would be sent to the Board of Inland Revenue, but they would be the persons to prosecute.

1635. So that you wink at the breaking of the law?—We do not quite wink at it.

1636. Have you a class of dealers in London, such as we have in Glasgow, called licensed brokers; people who purchase property, and are obliged to keep books registering what they have paid for it, and at what hour of the day it was taken in; and who are obliged to keep the property for seven days, and if it is not taken out at the end of seven days they have a right to sell it?—I think we have no exact class of that kind in London; marine store dealers are not quite in the same category.

1637. Pawnbrokers, to a certain extent, in London do that trade, because they are allowed to purchase articles above 10 *l.*, and they are not obliged to record their dealings with parties in sums above that figure, are they?—I believe that is so, as far as purchase goes.

1638. Do you not think that it would be a protection to society if pawnbrokers were looked upon in all their business as pawnbrokers, and were obliged to record every transaction they had at whatever sum?—I believe that they do record it, but it is only for their own information.

1639. Is it not the case, that they may or may not record it?—They may or may not record it.

1640. If, for instance, diamonds had come to them, it might be to their interest, knowing that they were stolen, not to record the fact, might it not?—Yes; but if a man took them in, he might render himself liable to be prosecuted for receiving stolen property.

1641. But as a general rule, would it not be a protection to society if they were obliged to record all their transactions, and at the same time no hardship to the honest dealer?—Quite so.

1642. Mr. *Hambro.*] Would you recommend any

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any alteration as regards the hours of closing in the evening and opening in the morning?—No, I think the present Act does not require any alteration in that respect.

1643. Under the present Act the same hours are observed by all the trade, are they not?—I think the hours are from September to March from eight o'clock to eight o'clock, and from March to September, from seven o'clock to nine o'clock, and on Saturday nights, I think they go as far as 11 o'clock.

1644. Would you be in favour of the hours being from eight o'clock till seven o'clock all the year round, except on Saturdays?—I do not know that there would be any special advantage in that. Many pawnbrokers close earlier. I do not think that any mischief is done by the later hours.

1645. Colonel *Beresford.*] Do they not give facilities for getting rid of stolen goods after dark?—Yes, but I do not think that as regards the class of thieves who dispose of property to pawnbrokers, it matters much whether they go in the day time or in the evening.

1646. Mr. *Ridley.*] You do not consider it desirable to confine the pawnbroking business to the hours of daylight?—No; I think that now, with the exception of two or three months of the year it is so confined.

1647. *Chairman.*] Practically, do you think that the restriction of the hours neither facilitates nor prevents the disposal of stolen goods?—That is my opinion.

1648. Mr. *T. Hughes.*] Do the provident and respectable part of the poor make much use of the pawnbroker from time to time?—I think they do. I do not intend to draw any distinction. A provident man, when he is out of work, probably as often goes to the pawnbrokers as another.

1649. Do you think that he is as often in a condition in which it may be to his advantage to apply to the pawnbroker?—Unquestionably.

1650. Mr. *Orr-Ewing.*] Do you know that for a fact?—From my observation that is the conclusion to which I have come.

Mr. Benjamin Blackwood, called in; and Examined.

Mr. *Blackwood.*

1651. *Chairman.*] Do you carry on business at Bradford as a Pawnbroker?—I do.

1652. How long have you done so?—Twelve years.

1653. Is your business extensive?—It is.

1654. Are there many pawnbrokers in Bradford?—There are 23 pawnbrokers in Bradford.

1655. Do you carry on a business as large as that of any other pawnbroker in the town?—I believe I am doing the largest trade in point of numbers of any one in the town.

1656. What capital do you employ in your business?—In the pawnbroking alone 2,997 *l.* is what I had the last time I took stock.

1657. You hold also some official position in the association of pawnbrokers, do you not?—I am secretary for the present year for the Pawnbrokers' Association.

1658. Is that association both provincial and metropolitan?—It is only for our own town.

1659. Do you also carry on a sale business?—I do.

1660. Is that a business of a very considerable extent?—It is not very large.

1661. Is pawnbroking a very profitable business in Bradford?—Not very profitable.

1662. How much do you think you made in the last year upon your capital, after paying all your expenses?—On both the sale and the pawnbroking I made 258 *l.*, that is after calculating five per cent. for the interest upon capital. I may say that I have not charged anything for my own services, but have only dealt with cash payments.

1663. The expenses include only your outgoings, and not any allowrnce for yourself; is that so?—Just so.

1664. Are there any other members of your family engaged in the business?—My son is engaged in the business.

1665. Is he charged for in the expenses?—He is charged for.

1666. Mr. Alderman *Carter.*] Is he your assistant?—He is.

1667. *Chairman.*] Of that profit how much has been derived from the pawnbroking exclusively?—The interest received was 647 *l.* 14 *s.* 3 *d.*, from ticket fees 138 *l.* 15 *s.* 6 *d.*, and for profit on retail sales 143 *l.* 3 *s.* 6 *d.*

1668. Is that for the sale of goods independently of the pawnbroking business?—It is.

1669. Then would you deduct that from the net profit of the 258 *l.*, to show the profit of the pawnbroking business?—I should.

1670. That would give you a profit of 116 *l.* on your capital of nearly 3,000 *l.*, would it not?—Yes, besides my five per cent.

1671. What is the number of the pledges taken in a year to earn this profit?—Last year I took in 58,601 pledges.

1672. And what was the amount advanced?—£. 16,821. 6 *s.* 3 *d.*

1673. What would that make as the average sum lent on each pledge?—Five shillings and a fraction; something under a farthing.

1674. What would that make as the average cost of your pledges, not allowing anything for your own labour?—Three halfpence and three tenths.

1675. Do you think that that fairly represents the sort of profit that is made in Bradford by this business?—I believe it does.

1676. How is it that people are induced to enter into this business, if the profits are so small?—They do not find that out until they have gone into it.

1677. And pawnbrokers, like other people, find a difficulty in shifting their position when they have reached a certain time of life, I presume?—They do when it is once established.

1678. It is probably easier to get into than out of a bad business?—It is.

1679. To what do you chiefly ascribe this small profit, in the pawnbroking business as compared with other trades?—To the fact that there is so much work connected with it, requiring such a large staff of competent assistants to carry it on thoroughly.

1680. Are your assistants of a better class than those that are employed in ordinary retail businesses as shopmen?—Yes.

1681. Do they get better pay?—Of course they advance, as they get further on in the business, and have been longer in it, and get more experience

xperience; and then their services are worth nore, and of course you must give them more, or hey will look after another situation where they vill meet with more money for their services.

1682. In this statement, you do not bring to ccount any gain on the sale of unredeemed ledges, do you?—I do not keep that separate. With regard to any unredeemed pledges which I ave, I perhaps adopt rather a different form rom most pawnbrokers. I debit my sale stock vith the full amount lent on them. My assist-nts enter on the left hand side of the column he cost price, and the selling price on the other ide, and that is carried on into the general yearly ccount.

1683. So that you set off the profits against he losses upon the sale of unredeemed pledges?—Yes, with regard to my sale stock, I should hink that three-fourths of it is new stock which buy.

1684. Do you make much profit upon the sale f unredeemed pledges?—No.

1685. Are the pledges largely redeemed, or re they more generally unredeemed?—I have ot more than two or three per cent. which re-nain unredeemed.

1686. Then you look rather to the redemption f the pledge than to the sale of it?—Entirely.

1687. Do you think that it is generally the iew of the pawnbroker that it is better for him o have a pledge redeemed than to have it for-eited?—Most undoubtedly it is; he is always ure of his interest then, and if they are left with im, he is not sure of his own even.

1688. Do you put in force, to a large extent, ale by auction in Bradford?—We do every uarter. We do it in rather a different way; ve all join together in a sale, and of course some nay have considerably more than others.

1689. Then all the pawnbrokers in Bradford nake up a general sale of the unredeemed pledges, s that so?—Yes, we do.

1690. Does that embrace all the unredeemed ledges, or only those that come within the Par-iamentary limit?—Generally speaking, only hose within the Parliamentary limit; but we generally say, perhaps a month before the sale, ow many lots each will have; and if one should ay rather more than he has, of course he has to make it up with his sale stock, so that his number nay not fall short.

1691. How often do those sales take place in Bradford?—Every three months.

1692. Is there much inquiry by persons pawn-ng, for the balance of their pledges?—No, I ave never had a case yet; in addition to those dvertisements which are published for about hree weeks on market days in our own town, nd in the "Leeds Mercury" as well, we put p large handbills, a copy of the advertisement, nd every morning about an hour before the sale, ve send round the bellman as well, to make it as ublic as possible.

1693. Is it your opinion that the present law s satisfactory, or do you think that changes hould be made in it?—I think we ought to be llowed more profit.

1694. Do you mean throughout generally, or n any particular cases?—I think we ought to ave the Irish rate adopted; charging 1*d.* for all ickets under 10*s.*

1695. Then would you go on increasing from he 1*d.* upwards for the ticket, as at present?—Yes.

1696. Do you find any difficulties with reference to the fixed nature of the charge for all classes of goods?—Yes, we often labour under a difficulty; people will come in to pledge an article, and will ask how much they will have to pay a month for it, and if it is not one of the exact sums, we cannot give them a definite answer.

1697. You find a great difficulty in applying the fractional charges?—We find difficulty in telling them what they will have to pay.

1698. Do you think that the Irish rate would simplify that?—It would. I would then endorse on the ticket at the time of pledging what they would have to pay.

1699. Would you have the duplicate always state the rate of charge and the amount that would be payable?—Yes, I would; that (*producing a ticket*) is the kind of ticket that I use.

1700. Is it the opinion generally of the trade in Bradford that some change should be made?—It is.

1701. What is your view and their view with reference to advancing upon goods of a particular character that are expensive to hold?—It will not pay us now at all, and we decline those kind of goods altogether.

1702. How would you propose to deal with that difficulty?—So that we could make a private arrangement or a special agreement with the party pledging.

1703. Do you wish to have the power of making a special agreement with persons pledging particular goods?—Yes.

1704. Do you mean within any particular limits, or generally?—I believe the opinion in our trade is generally that above 40*s.* there should be the power to make a special agreement, and instead of the restriction being 10*l.*, as at present, it should be only 40*s.*

1705. Would you have a statutory rate above 40*s.*, if parties did not make a special contract?—Undoubtedly, if there was no special contract, we should have a statutory rate.

1706. To take effect if no special contract was made?—Yes.

1707. What precaution would you take to insure the person pledging having full knowledge of and understanding the special contract when one was made?—I should explain to him fully that he would have to redeem it, or to come and renew it, within a certain time, at so much in the pound or so much per cent., as the agreement might be.

1708. Would it be necessary that the pawnbroker should be compelled to give that to the parties in printing or in writing?—Yes, or in printing and writing together, the same as we do now on our tickets.

1709. And that if he did not do that, he could not set it up?—Of course.

1710. You propose to keep a counterfoil of the special contract, in the same way as you now keep the original ticket of the duplicate, do you not?—In the same way as we enter it in our books.

1711. And in the same way as you keep the duplicate?—Yes.

1712. Is the Act found to be so difficult of application and comprehension in Bradford in some of the details that the pawnbrokers do not carry it out?—I believe they do not as respects farthings. No farthings are reckoned at all. They are not a coin that is recognised by any class of shopkeepers in the town.

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1713. Do you find also in keeping the books that you have any difficulty in complying with the strict provisions of the Act?—With that exception, I do not.

1714. Have you any opinion as to the practice, for instance, of the people of Bradford, respecting the time for which you are compelled to hold pledges?—I believe the opinion of the pawnbrokers in Bradford, is in the proportion of about four out of five that we should have a twelve-months' absolute forfeiture, with no power to extend the three months; that is to say, one in five is for six months, and four is for the twelve-months' absolute forfeiture without the three months.

1715. What is their opinion with regard to the days of grace on the monthly rate?—That they should give seven or 10 days, whichever might be thought desirable, and have a month's interest after the expiration of that time; doing away entirely with the half-months, because if we came to have a halfpenny rise in the 2 *s.*, the farthing would be complicated in the same way, and they could not be paid still.

1716. Are there any other alterations in the Act that you wish to suggest?—I believe not.

1717. Mr. *Orr-Ewing.*] You seem in the catalogue which you have produced, to have a great many silver and gold watches, marriage rings and family bibles; have you any idea whether those properly belonged to the parties who pawned them, or whether they have been pledged by parties who have stolen them?—We generally find that they belong to parties who pledge them.

1718. Is it not possible that they may be perhaps stolen in London or some other place, and sent down to Bradford to get money upon them?—Of course, it is possible that that might occur.

1719. There is no power given to the police in England to inspect your premises, is there?—There is not.

1720. And therefore even a respectable pawnbroker may hold in his possession a great deal of property that has been stolen, may he not?—He might hold some, but I do not think he would hold a great deal from the amount that is redeemed.

1721. But you have a sale every three months, have you not?—Yes.

1722. And that is a very important sale, is it not, as far as the value of the articles is concerned?—I dare say some of the pawnbrokers do take in a good number of watches, and of course they lend largely upon them.

1723. But does it not strike you that the kind of property that is sold at those sales is just the very kind of property that is most likely to be stolen?—If it is, it must come from a long way, for we have our police lists regularly.

1724. The articles redeemed, which are the great bulk of the articles pledged, are generally articles of wearing apparel, bed clothing, and for domestic purposes, are they not?—Yes of all kinds.

1725. And the articles that are not redeemed are the valuable articles, are they not?—Oh, no.

1726. According to the catalogue you have put before this Committee, that would appear to be so?—Yes, but they would not bear anything like a proportion to the amount pledged.

1727. But of the articles not redeemed the great proportion are valuable articles, are they not?—Yes, a good many of them are, I dare say.

1728. Therefore, do you not think that it is fair to infer that the articles which were for common wear, being the articles that are redeemed, and the articles of value being the articles that are not redeemed, it is possible and likely that they have been stolen?—No, because I do not think these kind of goods are generally pledged by strangers.

1729. But is it not possible to have a connexion between thieves in London and parties resident in Bradford?—Yes, it is.

1730. You do not always know the parties whom you are dealing with, do you?—We do not always, but generally speaking, I believe that if they are strangers they are questioned very closely as to the property, and how they obtained it.

1731. Do you ever refuse to take property because it is pledged by a stranger?—If a man did not give me a good account of the article, and how he came by it; I should refuse it if he was a stranger.

1732. You would refuse it if there was any suspicion?—Yes, I should. I should look, in the first place, at my police notices, to see if I had a notice of anything of the kind being stolen.

1733. But otherwise you would not refuse it?—If he gave a good account, I should not refuse.

1734. But you do not receive a notice of all articles stolen in London, do you?—No.

1735. And therefore if an article was sent down from London to Bradford, you would have no reason to refuse it?—Certainly not.

1736. Therefore would you object to the police in England having the same power with regard to pawnbrokers as they have in Glasgow?—I should decidedly object to the whole body of the police having that power.

1737. But you would have no objection to a superintendent, who holds a higher position than an ordinary policeman, having that power, and you think the trade would be quite agreeable that the police in England should have the same power as they have in Glasgow?—I do not think there is a pawnbroker in our town who would object; because, I think, when a policeman comes round he gets all the information that we can give him; I mean one of the heads of the police; one of the detective department.

1738. Mr. *T. Hughes.*] What is the population of Bradford?—According to the last account that I saw was last week, in one of our local papers, stating the death rate; it was supposed to be rather more than 147,900.

1739. And your 23 brokers are sufficient for the whole of that population, you think?—Yes.

1740. They could take a few more pledges, perhaps?—Yes; but I think the competition is quite sufficient at present; there are as many as can live, and almost more.

1741. Mr. *Ridley.*] You spoke of absolute forfeiture at the end of 12 months; I suppose you mean that the pledges should become the property of the pawnbroker at the end of 12 months, and that any overplus should belong to him exclusively, and should not be payable to the pledger?—I would leave that as it is now.

1742. But what do you mean, then, by "absolute forfeiture"?—That in all cases of pledges under 10 *s.* there should be absolute forfeiture, and not the power that parties now have to come and extend the time for three months longer; that is to say, I would knock off the three months entirely.

1743. Do

1743. Do you write upon your duplicate the nount of interest payable for the money ad- nced?—No, I could not do that.

1744. Would you have any objection to doing ?—If it was in aliquot parts, I should be very ad to do it.

1745. Do you conceive that there would be y advantage attaching to showing what the nount of interest was?—I do not think there ould be any difficulty in doing that.

1746. Would there be any object in putting on the ticket a notice that the pawner could certain at the pawn office the place and day of e of his goods, supposing that he did not deem them?—I should not see any objection to at.

1747. Would you see any advantage in that? I do not think there would be any.

1748. I ask you that question because it was recommendation of a Committee of this House at sat some years ago, that that should be uni rsally the rule with regard to all duplicates; ould you attach any value to such a course being ken?—The only thing would be that it would ake the duplicate rather larger.

1749. You would not see any objection to that, owever, would you?—No.

1750. Rather the contrary, perhaps, as render- g it less liable to loss?—Probably so.

1751. Mr. Alderman *Carter*.] What is your ason for wishing to limit pawns by special con- act to sums above 40 *s*.?—Speaking for myself, e great majority of the pledges is under that nount. My proportion is very small above at, only being 99 last year.

1752. Most of your pledges are in fact below 0 *s*.; why should you limit the pawns by greement to sums above 40 *s*.?—Because you ust have a limit of some amount, or else you ust throw it entirely open to free trade.

1753. Why should you not throw it entirely en?—I have no objection to that; but I do not ppose that we should get it.

1754. Mr. *T. Hughes*.] Do you think that our customers of the lowest kind ought fairly be protected as between man and man?—There re some customers who come to pledge who can- ot read or write, and if there was no limit at all think that parties might be imposed upon if ey got among unprincipled men. There are lack sheep in every business, and I admit that e must have some amongst us, and by having is limit, and by having the amount stated upon e duplicate, both the pawnbroker and the awner would be compelled to work honestly.

1755. Mr. *Orr-Ewing*.] I suppose that most f the parties coming to you, can neither read nor rite?—Not most of them.

1756. Do they belong to the poorest class of e community?—Not the very poorest; I have, f course, some of them, but not as a rule.

1757. *Chairman*.] But all those persons are llowed by law to buy those goods, and to sell ose goods, are they not, without anybody under- aking to protect them?—Undoubtedly.

1758. Why cannot they exercise the same in- elligence when they want to pledge the goods as ey can when they buy or sell the goods?—hey can exercise the same intelligence.

1759. Is there any mystery in getting money n the goods different from that of buying or elling the goods?—Not the least.

1760. Mr. *T. Hughes*.] Surely the fact of ledging shows that the pledger is more or less in a difficulty, does it not?—Of course, more or less it is so.

1761. Then there is that distinction between pledging and ordinary buying and selling, is there not?—Yes, the pledger wants money for his pre- sent purposes.

1762. *Chairman*.] He may want money when he sells the goods, may he not?—He may.

1763. Or he may want to pledge his goods, for the purpose of improving his condition by turning the money to a more useful account, may he not?—Yes.

1764. Supposing, for instance, that a man has a thing that he does not require, and that he wants to buy tools to enable him to work; he is a man who is rather improving himself in the world, is he not, and displaying great intelligence in the proceeding?—He is.

1765. Therefore he is showing in every way the utmost providence and intelligence in the transaction, knowing that by pledging he will be able to make a better transaction than if he sold his goods?—Yes, he would pledge them for nearly as much as he could sell them for.

1766. Mr. *Orr-Ewing*.] Do you know many cases in which a workman would pledge an article to buy a tool?—No, not many.

1767. Did you ever know any such cases?—I have known a few.

1768. How had the man lost his tools?—Per- haps he wants some new ones, the old ones being worn out, but the majority of people who pledge in that way for that, are men of the trading com- munity who see a bargain, and come to raise money to buy it.

1769. *Chairman*.] Have you ever heard of people pledging goods to emigrate?—I have not.

1770. They are too well off in Bradford to emigrate, I suppose?—No, but they generally sell them right off to emigrate.

1771. Mr. *Orr-Ewing*.] Is it not generally the improvident who deal with you?—I do not think so.

1772. Can you tell me who purchases those articles at your sales?—In a great measure the dealers.

1773. Do not pawnbrokers buy of each other at those sales?—Very rarely.

1774. They do so, do they not?—If I saw an article which I was in want of, I should try to purchase it at a reasonable price, but it is not a rule.

1775. I think we have it in evidence, that in London, where gentlemen carry on both branches of the trade, both retail sales and pawnbroking, they buy at the auctions, and sell again the same articles in their sale shops?—Yes; we have one gentleman in the town, who deals pretty largely in jewellery, and he often buys watches and Albert guards, and that sort of thing, to retail them in his shop again.

1776. Do you not think that the practice of which I have spoken, may tend to injure the party who pledges the article, by collusion exist- ing between the auctioneer and the pawnbroker? —Oh, no; the auctioneer whom we employ would not sanction anything of the sort.

1777. Is he too honourable?—Yes.

1778. Is it not against the law in other kinds of property, for the party selling to bid at the auction as a buyer?—No.

1779. Is it the law of England, that you can sell an estate by auction, and go to that auction and

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and bid for your own property?—I can scarcely answer that question.

1780. Mr. Alderman *Carter.*] Is it not the usual law of sales, that the party selling should have a reserved bid?—It is.

1781. *Chairman.*] A landlord who puts in a distress for rent, can buy the goods, can he not, when the broker sells them?—I believe he can.

1782. I understand your view of the matter to be, that the man who pledges the goods, is more provident than the man who sells them, because the man who pledges them looks to the future; but the man who sells them, looks to no future?—Yes.

1783. Mr. *Crum-Ewing.*] When you send those goods for sale, do you give the auctioneer a reserved price?—I do.

1784. When they do not bring that price, what becomes of them?—I leave it to him very much.

1785. But as to those that are not sold, but are bought in at a reserved price, do you keep them yourself?—I have to take them back, and sell them in my retail shop.

1786. Where the articles are under 10*s.*, you just take them in, I suppose, without any sale?—Yes, I do.

1787. Mr. Alderman *Carter.*] Do you not feel it necessary to have some person present at all those sales to look after your own interest, for fear the goods should go below their value?—Every pawnbroker attends on his own behalf.

1788. Mr. *Crum-Ewing.*] Do you attend, and take care that they do not go at too low a price?—If I have lent too much on an article, I let it go for what it will bring, and get over the loss at once; I should take one of those catalogues, and put down a reserved price on one side, and then leave it entirely in the auctioneer's hands as to whether it realised the amount or not.

1789. Mr. *Montague Guest.*] I see three rather curious items in this list; 12 pairs of stays, three times; what kind of shops would pledge those articles?—I have not the least doubt that those would have been pledged by some retail shopkeeper, who had pledged them, being in difficulties.

1790. *Chairman.*] You do not think that they were pledged by ladies who had outgrown their stays, but by some small shopkeeper?—Probably so.

1791. Mr. Alderman *Carter.*] Do you not often find a shoemaker, for instance, pledging goods to purchase leather to go on with his business?—Yes.

1792. *Chairman.*] In fact, it would seem that the pawnbroker is a kind of banker for people in a small sort of way?—Certainly.

1793. Then we ought not to condemn people as being improvident for going to a pawnbroker for money, without we condemn everybody who goes to a banker for money?—I should think not.

1794. Mr. *T. Hughes.*] Do you seriously think that the view suggested by the right honourable Chairman, that your customers as a rule come for provident purposes, is a true one?—Yes, I do.

1795. You do not think that it is chiefly the improvident among the working classes who are your customers?—I have no doubt that I have a few of that kind, but not the majority of them.

1796. Are not the majority persons in temporary difficulties, from which they know they must extricate themselves at any cost?—They do not come for drink or anything of that kind.

1797. Mr. *Orr-Ewing.*] Do you think that it is evidence of a man being provident that he does not save any money, but he comes to you and borrows it at 20 per cent.?—I do not say that it is evidence of his providence.

1798. That is the interest which you get, is it not?—It is.

1799. Do you think that it is an indication of a provident man to pay such an extortionate interest for a loan of money?—I believe it is lower than he can get it at anywhere else. If he goes to leaving-shops he will have to pay double the money.

1800. Is it not because he is an improvident man, that he comes to you at all?—I do not think it is; I have had men to borrow money on pledge from me, who are worth more money than I am myself.

1801. Is it men worth more money than you who come and pledge articles with you and pay 20 per cent.?—That man does not come regularly to me, but he does come occasionally.

1802. Mr. *T. Hughes.*] It must be from a benevolent wish to make your fortune?—I should be very glad indeed if I could do so.

1803. *Chairman.*] It results from his desire to have money in a sudden emergency, secretly, I presume?—It does so; he would not let his own friends know that he was in want.

1804. Mr. Alderman *Carter.*] I know that some pawnbrokers discount pretty largely; do you do anything in that line?—No, I never discounted a bill in my life.

1805. Mr. *Plimsoll.*] Is it not the case that in many of the larger towns in Yorkshire there are numerous small shopkeepers and hucksters and others who have no banking accounts whatever, and who find it very greatly to their advantage occasionally to pledge goods with pawnbrokers to meet an emergency?—Yes, no doubt.

1806. Especially in towns like Sheffield; a workman who makes scissors or other small things at his own home will frequently pledge something, will he not, to buy a rod or two of steel, depending upon the sale of the finished goods to redeem his goods, and reserve the profit to himself?—I have no doubt that they do it in Sheffield, the same as they do it with us.

1807. You do not consider that man an improvident man?—No. I have a neighbour, a grocer, who tells me that the principal part of the money which he takes on a Monday comes from my shop; and since he told me that he has opened another shop, about a mile away, and he says he wishes I would open a branch shop there, because he would be sure of plenty of ready money then.

1808. Mr. *Orr Ewing.*] In your experience of the world, have you not generally found that a person who borrowed money at 20 per cent. on an emergency, very soon got into the black list of bankruptcy?—I have not seen it so.

1809. Do you think that people can afford to borrow money from time to time at 20 per cent. and still continue solvent?—I do not think that a tradesman can afford to borrow at that price; but he may do so occasionally when it will be worth more to him than that amount.

1810. *Chairman.*] How much do you suppose a tradesman makes on the resale of his goods; does he not make more than 20 per cent.?—Yes, some

some of them make more than twice or three imes that.

1811. Mr. *Orr-Ewing.*] What trades do you refer to?—A greengrocer.

1812. What is a greengrocer?—A man who sells cabbages, and so on.

1813. I suppose he gets his name because the people are green who deal with him?—Perhaps so.

1814. *Chairman.*] There is no reason why he should not mortgage a sack of potatoes, I suppose, if he needs money?—Not the least.

1815. Colonel *Beresford.*] You said in your evidence, a little while ago, that you would not have special contracts below 40 *s.*, and afterwards you rather contradicted yourself by saying that you did not suppose that you would get many pledges above that amount; do you mean to say that you would positively advocate throwing it open altogether?—I should have no objection to that at all.

1816. Would it not be tantamount to raising up in your own district a lot of those shops which are called leaving shops and dolly shops, which are entirely shut out by having that 40 *s.* limit?—I would not care about it; the keener the competition, the more you have to look after your business.

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1817. *Chairman.*] There is no monopoly in your business, is there?—No, not the least.

1818. Anybody who wants a license can have it by paying for it, can he not?—Yes.

1819. A man who lends money as a banker would, of course, have no difficulty about the money for the license?—No.

1820. Mr. *Ridley.*] Do you carry out section 18 with regard to the sale of pictures, prints, books, and so on?—We have never anything of that kind; people that have that kind of goods keep them, and do not require to pledge them.

Monday, 27th June, 1870.

MEMBERS PRESENT:

Mr. Richard Arkwright.
Mr. Ayrton.
Colonel Beresford.
Mr. Alderman Carter.
Mr. Crum-Ewing.
Mr. Montague Guest.
Mr. Hambro.
Mr. Charles Henry Mills.
Mr. Morley.
Mr. Plimsoll.
Mr. Orr-Ewing.
Mr. Ridley.
Mr. Whitwell.

THE RIGHT HON. ACTON SMEE AYRTON, IN THE CHAIR.

Mr. WILLIAM HECTOR, called in; and Examined.

Mr. *W. Hector.*
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1821. Mr. *Crum-Ewing.*] ARE you Procurator Fiscal for the Eastern District of Renfrewshire, and Sheriff Clerk Depute for the same district?—Yes.

1822. Are you also treasurer and collector for the poor's rate for the parishes of Eastwood and Cathcart?—I am at present treasurer and collector for the parish of Eastwood, and I held for several years the same position in the parish of Cathcart.

1823. And I think that you are Provost of Pollockshaws?—I was for several years.

1824. Have you had every opportunity of becoming acquainted with the district?—The very best.

1825. Over how many years did that extend?—Upwards of 40 years.

1826. Having been resident in Pollockshaws, I suppose you speak more particularly with reference to that burgh?—I can speak to the whole district, but more particularly to that portion of the district in which I have resided for the last 46 years.

1827. What is the population of that district?—The population of the whole district is as nearly as possible 25,000.

1828. What is the population of the burgh of Pollockshaws?—The population by the last census was 7,444; but it is now about 9,000.

1829. Has crime been on the increase in the district?—Very much so.

1830. Can you give us the number of cases of petty crime, thefts, assaults, and so on, which have been committed in successive years among the population of the eastern district of Renfrewshire?—I can as regards the crime of the district: the number of cases reported to me as procurator fiscal in 1840 was 113; in 1845, it was 169; in 1855, it was 192; in 1860, it was 266; in 1865, it was 289; in 1869, it was 318; and for the first five months of this year, it was 242.

1831. How do you account for such a great addition in those five months in the year 1870?—I can only account for it by the entire change in the habits of the people.

1832. Can you state what was the population in 1840?—The population of 1840 I cannot give exactly. The population has been increasing, but not to any considerable extent, and by no means in proportion to the crime.

1833. What is the nature of those crimes?—The cases cognisable by me as procurator fiscal are such cases as are within the jurisdiction of the county magistrates, the justices of the peace. They comprehend all cases of petty theft, assaults, breaches of the peace, malicious mischief, and cases such as arise from intemperance.

1834. Perhaps, as the other Members of the Committee are English Members, you will be good enough to explain the duties of the procurator fiscal?—The duty of the procurator fiscal is to prosecute in all cases of crime committed within the district. Information as to those cases is communicated to him, and it is his duty to investigate those cases, either by himself or through the police of the district, and then to prosecute the parties to conviction.

1835. Mr. Alderman *Carter.*] He is the public prosecutor for the district, is he not?—He is the public prosecutor for the district.

1836. Mr. *Crum-Ewing.*] Can you give us the poor rates from the year 1835?—There has been a very large increase in the poor's rate in the parish of Eastwood; the assessment for the poor in 1835 was 304 *l.*, in 1845 it was 1,336 *l.*, in 1855 it was 2,146 *l.*, in 1865 it was 2,829 *l.*, and in 1869 it was 3,095 *l.*

1837. Mr. *Whitwell.*] Do any other causes of expenditure besides the support of the poor now fall upon the poor's rate?—None, except the expense of registration, which is a mere trifle.

1838. Mr. Alderman *Carter.*] Is the police rate included?—The police rate is not included, nor any of the local rates.

1839. Mr. *Crum-Ewing.*] Do you think that the increase of the population has corresponded to the increase of the poor's rates?—There has been no corresponding increase of population, and there has been no depression in trade, or any other reason that I can assign of that kind, to cause this increase of pauperism or of crime.

1840. Has the number of paupers increased?—Proportionally it has, although the expense now under the new Poor Law Act is greater per head in proportion than it was formerly; but the increase has been by no means such as in any degree to account for the enormous increase in the amount of the assessment.

1841. Have you remarked any change in the habits

habits of the inhabitants?—Yes, I have remarked a very decided change. There has been a very marked, distinct, and progressive change in the habits of the inhabitants of that part of the district, particularly of Pollockshaws, since 1835.

1842. Were there any pawnbrokers in Pollockshaws previously to 1835?—There were no pawnbrokers, but in about 1835 we had that description of pawnbrokers established amongst us called "wee pawns." There were two of them.

1843. Previously to that, will you give us an account of the friendly societies which were in existence in Eastwood?—There were four friendly societies in the parish of Eastwood previously to 835; they struggled on for a number of years after 1835, and at last they could only preserve their existence by amalgamation. One of the societies went down altogether, and three of them were amalgamated. I am clerk to the feritors, and I was instrumental in bringing about that amalgamation for the purpose of preserving the friendly societies if possible. One of the societies possessed a little property, and that was an inducement to the other societies to join with them, and the whole three societies amalgamated, and by the help of that small property, which produces to them about 60*l.* or 70*l.* a year, the amalgamated society has continued to exist, but the members have greatly diminished in number, and now there are not above 100 members altogether.

1844. Have you many complaints made to you by married men of their wives going to the pawn shops and pawning bed and body clothing, and household furniture?—As procurator fiscal, I have had many complaints of that kind; I have had many complaints from working men in Pollockshaws, that their wives were putting away their effects, and especially their bed and body clothes and household articles, in pawn; and I had complaints, on the other hand, from wives that their husbands were taking the same course, and bringing misery on their families.

1845. I suppose that you do not attribute the change in the habits of the people of Pollockshaws altogether to pawnshops?—No, I do not think it would be just to the pawnbrokers to attribute all the change which has taken place to them; I do not think that the change in the habits of the people, for instance, as regards the increase of improvidence, and drunkenness, and pauperism, and crime, which is so very great and so very strongly marked, as I have just said, can be entirely ascribed to the pawnbroking system, but that system has undoubtedly been one of the principal causes of the change. I think that the increase of the population, the operation of the Poor Law Act 1845, and the influx of Irish into the parish, have all had a considerable influence in this direction, so that it is not altogether ascribable to the pawnbrokers nor to the pawn system.

1846. I think you were instructed by the justice of the district to prepare a Bill to be brought into Parliament for the regulation of brokers and dealers in second-hand articles, were you not?—I was, and I did prepare such a Bill. In 1855, in consequence of the increase of crime, pauperism, and other matters of that kind, I took occasion to call the attention of the county magistrates of the district to the change which was going on; I was then instructed, after considerable inquiry had been made, to prepare a Bill for regulating the brokers and the "wee pawns." The Bill, of which I have a copy here, was prepared and it was put into the hands of the Lord Advocate, at the time Mr. Moncrieff, by a deputation from magistrates of burghs in the west of Scotland, the justices and commissioners of supply of Renfrewshire, and the officials of Renfrewshire, headed by the late Sir John Maxwell of Pollock.

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1847. What happened in Pollockshaws after that; the result of that agitation was the passing of an Act, was it not?—The result of the agitation, which originated with the magistrates of my district, was the passing of the Act of 1856, the 19 & 20 Vict. c. 27, intituled, "An Act to amend the Acts relating to Pawnbrokers." The effect of that Act was to bring the "wee pawns" within the provisions of the Pawnbrokers' Act.

1848. Had that Act the effect of bringing your two wee pawnbrokers under the Licensed Pawnbrokers' Act?—It transferred our two wee pawnbrokers into licensed pawnbrokers, but it made no other change.

1849. Is the system of pledging with pawnbrokers carried on to a great extent in Pollockshaws?—To a very large extent.

1850. Can you state to what extent it is carried on?—Yes; I directed the police to make an inquiry regarding the number of pawns. They took the number in March last, and they also took the number in May.

1851. Can you give us the number?—The numbers were found to be as nearly as possible 4,000 monthly in each establishment. The average number for the two was 8,000 each, or 96,000 pledges in our population of 9,000, within 12 months.

1852. Can you give us the number of pairs of blankets pledged in Pollockshaws in March?—The number of pairs of blankets pledged in March was 30, and in May 46.

1853. Of what did the number of 96,000 pledges consist?—Mostly of bed and body clothing, and small articles of household effects.

1854. Were they articles essential, in fact, to the comfort of the people?—Perfectly necessary for their comfort, and to preserve their health essentially necessary.

1855. Is there much business done by the people in Pollockshaws with the Glasgow pawnbrokers?—I have had very frequent occasion to see pawn tickets in the possession of the inhabitants of Pollockshaws, which were in addition, of course, to the number pawned in our own establishments.

1856. What do you think has been the effect upon the people who frequent pawnshops?—It has had a most injurious effect; it has increased intemperance to a very great degree; it has increased crime, as I have stated in detail, to a large extent, and it cannot be otherwise. The number of pledges for every individual in our population is 10½, and for every family of five persons 50; supposing that only one-half of the population were to go to pawnshops, we should have every creature of this half in Pollockshaws pledging 21 pledges, and every family 100 pledges in a year; there can be no doubt whatever of the demoralising effect of pledging and pawning; and if that effect is going on, it is easy to conceive that there must be a very great change for the worse in the social condition of the inhabitants of the place.

1857. I believe that the people have been very much employed for a number of years in that district?

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district?—They have been remarkably well employed at times when the people at other places were without employment. They have invariably been in constant employment so far as I have known, and they have been in receipt of good wages.

1858. Have you observed whether the money which is raised by those persons, is raised by a class who are addicted to drinking?—The money which is raised by the pawns finds its way to a very great extent, in my opinion, to the whisky shop; of course, no one can follow the money which poor people get into their hands from the pawnbroker, so as to tell exactly the amount which goes in any one direction, but it is perfectly evident from the condition of the people, and from what I learn as public prosecutor, and from what transpires at our numerous courts in the district, that a very large proportion of the money which is raised by pawning, goes to the whisky shop.

1859. The system of pawnbroking is comparatively of recent origin in Scotland, is it not?—It is a comparative novelty in Scotland; within my own lifetime, there was not a pawnbroker in Scotland.

1860. Mr. Alderman *Carter.*] But there were those "wee pawn" shops, as you call them, were there not?—There were no "wee pawns" at that time either; there might possibly be some small brokers in different parts of Scotland, but they were not known as "wee pawns," and certainly there were no licensed pawnbrokers until 1806, until six years after the passing of the Act under which the pawnbroking trade is regulated.

1861. Mr. *Crum-Ewing.*] How many pawnbrokers were there in 1833 in Scotland?—In 1833 there were 52 pawnbrokers; they had increased from one in 1806 to 52 in 1833. In 1838 they had increased to 88. In 1865 they had increased to 312. The number now must be considerably larger than it was in 1865, when a Return was made to the House of Commons of the number of pawnbrokers in Great Britain, for I find that in Glasgow alone, the number has increased since 1861 from 79 to 115. That number 115 I took from the "Glasgow Directory" two days ago.

1862. Can you give us the total number of pledges in the United Kingdom?—In order to get at the total number of pledges you are obliged to assume a certain number for each establishment. It is difficult to make that calculation, because all parties are not agreed about it. Many think, and I think, that the average number will be 60,000 for each establishment in Great Britain and Ireland. However, we will say that it will only be about 40,000. Keyson, in his work on pawnbroking, admits that the metropolitan pawnbrokers have each 60,000 pledges, and he says that the provincial pawnbrokers will have 40,000 each; and he remarks that no establishment can well be kept up unless they have 40,000. In that case, the number of pledges in Scotland (and it is to Scotland that I have given my attention more particularly) would be 18,720,000; and in the United Kingdom, taking the same rate, the number of pledges would be 207,780,000.

1863. Have you observed that the increase of the system of pawnbroking has been identified with the increase of crime in Scotland?—Yes, so far as my own observation goes, it has, very materially; and I may state that I have been in communication with all parts of Scotland on this subject with gentlemen who take a very great interest in the social improvement of the people of Scotland, with the heads of the police, for instance, and other persons, and they all concur in the opinion that pawnbroking has been one great source of crime, and is the means not only of creating crime, but of fostering and encouraging crime.

1864. You have taken some means to ascertain the number of witnesses connected with pawnbroking establishments who have been examined in a certain number of cases connected with theft and embezzlement, have you not?—I have; in my own experience for the last 40 years I have had comparatively few cases of theft under my cognizance which have not had some connection either direct or indirect with the pawnshop; and I have gone over all the indictments in the Sheriff Court in Glasgow in cases tried by the sheriff and a jury in two different years, and I have ascertained by an examination of the lists of those witnesses appended to the indictments, that in 119 cases of housebreaking, theft, reset, and embezzlement tried at Glasgow by the sheriff of Lanarkshire and a jury in 1860, 106 of the witnesses were pawnbrokers or brokers.

1865. *Chairman.*] How many were pawnbrokers?—I cannot say exactly; I certainly took the number at the time, but I cannot tell now: but I can tell the exact number in regard to last year; I also examined the indictment for the rest of last year a few days ago, and I found that in 1869, that in 229 cases 145 witnesses were pawnbrokers or their assistants, and only 45 were brokers; taking the same proportion in 1861, a large proportion of the witnesses in that year must have been pawnbrokers also; the increase both in the number of cases and of the witnesses is very remarkable.

1866. Mr. *Crum-Ewing.*] Does that include the summary trials which took place before the sheriff?—It does not, and those comprise a very large number of cases. They are tried summarily under a Statute giving summary jurisdiction in criminal matters to the sheriff, and in those cases there is a corresponding number of pawnbrokers as witnesses; but the list of witnesses is not appended to indictments, and it is therefore very difficult to ascertain; I inquired of the procurator fiscal if he could give me the exact information as to the number, and it is very difficult to ascertan the number, but I have no hesitation whatever in giving it as my opinion, founded upon long experience and knowledge of these matters, that the number would be probably greater than it was in cases tried by the sheriff and a jury.

1867. Do many of the licensed brokers in your district, or as far as you know in Glasgow, pursue the trade of the "wee pawn" system?—We have no "wee pawn" brokers in Pollackshaws at all we have nothing but the licensed pawnbrokers but the number of brokers in Glasgow is very large, and I have heard the police say, that a very considerable number of those carry on the old "wee pawn" system, which the Act of 1857 was intended to put down. This has happened in consequence of the Act not being enforced, as I think it ought to be and might be.

1868. Do you approve of the plan which is adopted in Glasgow, of the police furnishing every day to the brokers and pawnbrokers a list

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of articles stolen?—I certainly think that it is right, in order to protect the pawnbroker as well as to protect the public, that such lists should be furnished, and I know that those lists are furnished to the pawnbrokers; I only regret that they are not furnished beyond the bounds of the city, because it is very notorious that a large quantity of the plunder in Glasgow finds its way to Pollockshaws, and other places, to be pawned; and yet they do not send to Pollockshaws any of their lists. I find, on looking over the list of witnesses in the jury court list in Glasgow, that the pawnbrokers' assistants there are witnesses, showing that the articles stolen in Glasgow, as well as those stolen amongst ourselves, are pawned at Pollockshaws. There are instances from Paisley, and from other places in the same way, and I think that a large portion of the plunder in Glasgow is distributed amongst the pawnbrokers, not in the city, but around the city, within a reasonable distance.

1869. Can you give us a note of the articles which are so advertised?—I thought it might be interesting to the Committee to see those lists; I observe by the evidence in the newspapers that a good deal has been said about them, and I have brought the police lists for the month of March (*handing in the same*), and I will give you an analysis of those lists.

1870. Will you state the analysis of those lists?—It consists altogether of 3,841 articles within the month, and it comprises bed clothes 92 articles; body clothes, 614; gold and silver watches, 188; silver plate and jewellery, 2,836; miscellaneous, 647; workmen's tools, 225; making in all 3,841 in one month. That may be taken as a fair average month, being neither in winter nor summer. The total number of articles reported to the police, supposing that to be the average, would in the year be 46,452. I do not believe that the police get information of half the articles that are stolen, and it is easy to suppose so. There are certain classes of cases, such as plunder in brothels by prostitutes for instance, or by prostitutes in the streets, or by shopmen and workers in factories and shops, and places of that kind, which never find their way to the police, and are very little known. In that way the number must be immensely greater than are ever reported there.

1871. Do you suppose that those articles which you have now named can be easily pledged?—It is very difficult to understand how such an immense amount of plunder can be disposed of unless it be through pawnbrokers and brokers.

1872. Do you think that the registration by pawnbrokers affords protection against that?—I do not know that it does; I do not think that the police, although they have access to the pawnbrokers' books, can possibly efficiently detect this immense amount of crime which is going on in Glasgow. I find, from a return made by the chief constable for last year, that the number of detective officers who give their attention specially to the detection of crime is only 18, and two sub-inspectors. Now, though the whole of those detectives were employed from the 1st day of January to the 31st day of December in visiting the 115 pawnbrokers' shops, and turning over the articles which were there received, to detect the 46,000 articles which were reported to them, they would be constantly employed in turning over those articles, and doing nothing else, yet they had 10,000 other cases of crime of one kind and another to attend to.

1873. Mr. Alderman *Carter.*] Have you not in Glasgow and in Scotland receivers as well as pawnbrokers?—I am not aware, within my experience, of any such classes; I have no doubt whatever but that the police in Glasgow are cognisant of such persons, and that there are such persons; but I am not aware, and I do not think that it is the general opinion of those who have given any attention to these matters, that there are any receivers to swallow up the 46,000 articles reported to the police, and probably twice as many more stolen in Glasgow, about which the police know nothing.

1874. Mr. *Crum-Ewing.*] A respectable pawnbroker would never be supposed to do anything of that kind, I presume?—Respectable pawnbrokers will not receive stolen articles if they know them to be stolen; and I have myself been assisted by pawnbrokers in several cases where articles were offered to them, to detect and secure the punishment of the parties who were offering the stolen property to them. But while that is undoubtedly the case, and while within my own experience, I have never found that the pawnbrokers ever interposed any obstacles to the detection of stolen property in their possession (I have never seen the least attempt at anything of that kind on the part of the pawnbrokers in my own district), yet the number of stolen articles reported to the police, which are recovered, is so very infinitesimal, that it does not at all show that the articles stolen, and getting into the hands of the pawnbrokers and brokers, are accounted for.

1875. What do you suppose are the inducements, to the less respectable pawnbrokers, to deal with thieves?—I suppose that in all trades and professions there are unprincipled persons; there are many men, I believe, in the pawnbroking trade who are quite above that; but to those who are less conscientious, there are various inducements, I think, to accept pledges from thieves. I am assuming however, that in the generality of cases pawnbrokers knew their customers. They have a very shrewd perception and tact in knowing their customers, and I think that if a pawnbroker who received stolen property knew that the person offering it was a thief, or if there was anything in the nature of the article, or in the nature of the transaction at all to show that the pawnbroker was dealing with a thief, he would offer a very small sum for the article offered to him; for a thief will accept a much smaller sum for pledged articles than a person who goes there in an honest way, and knows the value of the article, and who will not accept less than the value of the article, or at least as much as he can possibly get upon it if he requires it. In the second place, the risk of detection is exceedingly small; and, in the next place, stolen property, in my opinion, is generally forfeited, so that the pawnbroker gets it at his own price. I think that the thief has every disadvantage in dealing with the pawnbroker.

1876. Then you do not think that the registration by the police would be a complete safeguard?—I do not think that the registration is a protection at all. Pawnbrokers themselves admit that their registrations are entirely fictitious, and I have seen a great many pawn tickets, the names on which were fictitious; and I am sorry to say also that the descriptions of the articles inscribed on the face of the pawn ticket might be

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called fictitious too, because they were not legible. You could not make out what was the subject pawned, so indistinctly was it written on the pawnticket. I do not think that the searching of the register is any protection to the public at all. As I have just stated it is perfectly impracticable, with the means at all events at the disposal of the Glasgow police, to recover more than a very small proportion of the articles which are reported as stolen.

1877. It has been stated by some of the witnesses, that the pawnbroking business is not at all a lucrative one, and that it affords a very small remuneration for the amount of capital invested in it and of labour bestowed upon it; from your observation of pawnbrokers and their social position, what would you think as to that?—So far as means are concerned, the pawnbrokers are a very well-to-do set of people, I think; I have never known a pawnbroker get into the Gazette, in Scotland; and any of them whom I do know personally are getting rich very fast; I know that those two parties in my own neighbourhood, have got on most wonderfully well. They do their business as respectably, I think, as most pawnbrokers. Those two men commenced their business in a very small way indeed. One of them was a working man. I do not know what the other was, or whether he was anything at all; but they both commenced business in a very small way with bundle shops, or "wee pawns," in about 1835, or somewhere thereabouts. Now, they are very considerable proprietors in the neighbourhood with a large rental; one of them has heritable property, I see, from the valuation roll, yielding 132 *l.*, annually; and the other along with his brother, has property yielding about as much; and they are well understood, especially one of the pawnbrokers, to have very considerable means beyond that.

1878. Do you think that a system of annual licensing by the local magistrates, such as prevails in the spirit trade, would be proper?—I have been long of opinion that some control beyond what we have over the pawnbrokers ought to be given to the public by legislation; and I think that were the pawnbrokers obliged to come before the local magistrates once a year and ask for a renewal of their licenses, it would have a very good effect in causing the trade to be very much better conducted than it is at present.

1879. Have you anything to say upon the sale department of the forfeited or unredeemed pledges?—I should be disposed entirely to separate the sale department from the pawning business. I think it is open to unfair trading, I would not like to say fraud, on the part of the pawnbroker, that would probably be a strong term, but it is open to very unfair trading, and I will give you my reasons for thinking so. I hold in my hand a letter from one of the most respectable merchants in Glasgow, who is connected with a large firm in Glasgow, and he says in relation to that sale trade by pawnbrokers, about which I was speaking to him, and asking him if he knew anything about it, "Yes, I know a great deal about it. I was waited upon to-day by a party who travels among pawnbrokers, selling goods for a pushing drapery establishment in Glasgow. He told me he sold yesterday upwards of 100 *l.* worth of slops (that is, men's ready-made clothing), his daily sales averaging 50 *l.*, principally in slops, blankets, bedding, table-covers, and towelling. Those goods are sold by the pawnbrokers as unredeemed pledges." Now, I heard of another case where a merchant in Glasgow sold to a pawnbroker in Greenock 50 *l.* worth of stuffs, and those were to be retailed also in the sale shops; but before being retailed they were to be cut into lengths and made into unredeemed pledges, and in that form to be presented to a gullible public, who fancy they are going to those shops to buy cheap goods, they being unredeemed pledges, when they, in point of fact, are paying as much, at all events, if not more, for goods actually bought by the pawnbrokers and carried into their sale shops only to add to the already very large stock of stuffs which they had got by forfeiture into their hands. Now that is not fair trade, and I think that in order to let every trade hang by itself, the pawnbroking should be kept by itself, if it is useful, and if it is necessary. If it is necessary at all, and it is very generally maintained that it is so, then it ought to be a separate trade, and it ought to be well controlled; and I have no doubt that in that way it might be conducted so as to prevent the necessity for such an inquiry as is going on here to-day.

1880. In the case of the articles which are sold by public auction, is any auctioneer employed?—In Glasgow invariably, so far as I have observed the numerous pawnbrokers' advertisements, they employ only one man, and in that way he must be a pawnbrokers' auctioneer, and there is no way of preventing collusion between the pawnbroker and the auctioneer for the purpose of getting those articles into the hands of the pawnbroker.

1881. *Chairman.*] What do you call collusion?—I noticed in the report of the evidence given by one of the witnesses who was examined here the other day, that the pawnbrokers in a district of England (I do not know whether it is the practice altogether in Scotland) keep within the Act of Parliament by putting their articles into the hands of an auctioneer *pro formâ*, and they are knocked down, but to whom are they knocked down? why, to the pawnbrokers; the Act of Parliament allows the pawnbroker to purchase them.

1882. How is that collusion?—There is an understanding between the pawnbroker and the auctioneer, that the pawnbroker is simply to get back the articles that belong to other people.

1883. Do you mean that the public are not allowed to bid?—The public have no opportunity of bidding; this same pawnbroker, in giving his evidence says, that there is nobody there to bid.

1884. But are they not allowed to bid?—I do not know, he does not say; but he says, in point of fact, that they do not.

1885. If they were allowed to bid, there would be no collusion, would there?—Then the statement of the pawnbrokers, that thay make nothing by those sales, would go for nothing, because they would never think of putting up articles, except at a price which would remunerate themselves, that is to say, which would repay them for their advances and for the interest due to them, and if they did not go up to that price, they would purchase them back.

1886. Mr. Alderman *Carter.*] But are they not obliged to sell by auction?—They are obliged, by Act of Parliament, to sell by auction.

1887. Did not that pawnbroker whose evidence you

ou read say that it was the fault of the public they did not come, because the pawnbrokers dvertised their sales, and kept the doors open l the time the sales were going on?—I do not now whether he exactly said that; he said, how-ver, that those sales were advertised in a sort of ay, and that they were conducted by auction-rs, who knocked down the articles to pawn-okers.

1888. *Chairman.*] Now you are only speculat-ng upon evidence which you did not hear, are ou not?—To a great extent. That it is not the ost reliable evidence, I am perfectly sensible; nd I do not pretend to know very thoroughly e manner in which pawnbroking is carried on, s so far as it is managed to yield a profit to the awnbroker. My attention has been chiefly di-ected to pawnbroking in so far as regards its fluence upon crime.

1889. You know nothing about the mode in hich the auctions are conducted in Scotland, presume?—Very little. I have heard a great eal, but I should not like to give hearsay evi-ence, because I do not think it is reliable.

1890. Mr. *Whitwell.*] Did you ever attend one those sales?—I was never present at such a le. A reference to particular cases will per-aps best illustrate the effect of pawnbroking. ou get a better idea by two or three cases, pro-ably, than by general statements. Now I ould just like to read one or two cases to the ommittee, and my information is perfectly re-able. In the first place, I have a letter in my nds from a clergyman in Glasgow, a gentle-an who takes great interest in social questions, well-known gentleman, and well known to the onourable Member for Paisley. He says to me, answer to a letter of mine, dated the 9th of lay, "A decent, respectable man has just called great distress about his wife, who has, in his sence, pawned everything in his once happy me." That is one case. I have another case ere, where a gentleman states to me that a per-n, the wife of a man in a tolerably respectable sition (I understand him to mean by that, pro-ably, a grade above the mere working man) me to his shop and contracted a debt for arti-es of clothing, of one kind and another, to the mount of 80 *l.* The shopkeeper getting uneasy out the amount of the debt, applied to the hus-nd for payment. He says that the husband as perfectly horrified when he heard of the 0 *l.* debt, and he immediately made inquiries out it. On inquiry he found that the whole of e articles which had been purchased at this op had gone to the pawnshop, and the husband me, with tears in his eyes, to let it be known the shopkeeper, and begged him that he would dulge him with time to pay for them. There another case, which is of older date, but it is a ry striking case, and it came under my own mediate observation as procurator fiscal for the strict. The gentleman who writes this letter me held a good position in my own neigh-ourhood as proprietor of public works, but he as reduced through misfortune in trade, and he rites to me thus: "The house is emptied of very article which can be carried away of any due. My children cannot go to school for the ant of clothes. Drunk or sober, this woman" hat is his wife) "will not be satisfied until I and y family are ruined, and in the poorhouse. For odness sake, arrest this downward progress to ggary."

1891. *Chairman.*] How are we to make this man's wife a good woman?—I do not know that he has succeeded in doing that yet.

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1892. If he cannot do it, how can we do it?—I am not asking how the Legislature are to do it, but I am asking how this trade is to be restrained, if it be at all within the bounds of possibility, so as to prevent cases of this kind occurring. I have already suggested a system of licensing which would enable the magistrates of a district to say, in the first place, whether there should be a pawn shop there at all. There are several burghs and towns in Renfrewshire which have no pawn shop. The magistrates resist the granting of a license to even a broker, and it has a most salutary influence. Now if pawnbrokers were obliged to come to the magistrates once a year, and if they were obliged to stand upon their characters, I think that that would have a very material effect in putting down such a case as this. In this very case to which I have just referred, amongst 120 or 130 pawn tickets which I had in my hand and examined, I found that 12 of them were of one date. Now no magistrate would grant a license to a pawnbroker who took in 12 pledges in one day from any person, knowing that the person pledging was notorious for her dissipated habits, and he would be perfectly able to judge; he must have known what he was doing in taking those articles.

1893. It seems in this case that those goods were the goods of the husband, and were taken out of the house?—They were the goods of the husband, and were taken out of the house.

1894. Why did the husband allow the wife to take them away?—He was away from home during the whole day, being employed in Glasgow, and he came home at night to a desolate hearth, found his wife drunk, his goods in the pawn shop, his children in the street, and himself locked out of the house.

1895. But the law, to do any good, would have to remedy all those things, would it not?—It is very difficult to remedy such a state of things.

1896. Did it not strike you that that was rather an exceptional case?—It is not so exceptional a case as might be supposed. There are very many cases (and I could state some more that I have in my hand) which are just about as bad.

1897. Mr. *Whitwell.*] Do you mean to say that this woman pawned her twelve articles of clothing or furniture, or whatever they were, successively, she being in a state of intoxication?—What I say is simply this: that the tickets came into my hands having been found in the house by the police after the whole house had been gutted, and twelve of the tickets bore the same date.

1898. *Chairman.*] Were they from the same pawnbroker?—Yes.

1899. Mr. *Whitwell.*] Can you do more than control the pawning of goods by a woman or by a person who is in a state of intoxication?—Yes; I think you will observe that in that Bill which I prepared for the justices, I inserted a provision that in the case of a married woman no pawnbroker should knowingly take in any goods belonging to her husband without authority from her husband. I know that there is very great difficulty in carrying on the pawnbroking trade under such circumstances, because they might send another person, but then the pawnbroker is bound to make an inquiry as to the owner.

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1900. *Chairman.*] Did the husband in the last case which you mentioned raise the question of his legal rights?—He, by the law of Scotland, could do nothing. There is a joint ownership in household goods in the husband and wife; on a wife putting away any article of that kind, the husband would have no redress from the pawnbroker.

1901. The law of Scotland is different from the law of England?—The law of Scotland is different from the law of England.

1902. Mr. Alderman *Carter.*] Do you not think that in those cases which you have mentioned whisky rather than the pawnbroker is the cause of the evil of which you speak?—I think that pawnbroking is necessary to the gratification of the taste for whisky. If this woman had not had that means of raising money to procure liquor, her husband would not have given her money, and she would not have made such a beast of herself.

1903. *Chairman.*] If I understand you rightly, your view of the matter is this, that because there is a pawnbroker, a person has a disposition to borrow money; and that then, having that disposition to borrow money, he has the disposition to spend it in getting drunk?—It very often happens.

1904. Or do you think that the reverse is the more accurate mode of reasoning; that a person has a disposition to get drink, and therefore desires to get money, and therefore pawns his goods?—There is a desire to get drink in the first place undoubtedly, but I may state a case which has just come into my mind now, to show the operation of the pawnshops upon the desire for drinking.

1905. But I want to ask you first, whether your general view of the matter is, that because a person can pledge goods, therefore he has a disposition to borrow, and that having a disposition to borrow, he then gets a disposition to spend the money in drink?—It is not by any means a necessary consequence that a man who has a disposition to borrow should wish to borrow to purchase drink.

1906. Is it not a more correct view, that a man has a disposition to drink, and that, therefore, he has a disposition to get money for drinking?—Everything has a beginning, sometimes it begins through pawnbroking, and sometimes it begins through a man's own vicious nature.

1907. Is it your view, that the Scotch habit in this respect begins with a disposition to drink, or that a man, seeing a pawnshop in the street, gets a disposition to borrow money, or seeing a ginshop in the street, gets a disposition to drink?—I should say that if there were no pawnshops, there would be much less disposition to drink, because, if a man has not the means of gratifying a wish, the wish is not likely to rise in his mind.

1908. But if a man begins with a disposition to drink, and has to get money for it, he will get money by any means whether or not, will he not?—He might possibly get drink, but the pawnshops give him the means.

1909. Therefore, if he had no money, he would sell his goods would he not?—I do not think that one article would be sold for a thousand which are pawned.

1910. Not even if there was an equal disposition to drink?—Even though there was an equal disposition to drink.

1911. Do you think that if there were no pawnshops, there would not be shops dealing in second-hand goods, and so on?—My own experience shows exactly the contrary in my own neighbourhood.

1912. Does it not appear, that before there were any pawnbrokers at all, there were people who dealt without licenses in the buying of goods, in what you call the "wee pawning"?—The existence of the "wee pawn" shops themselves commenced at a comparatively recent date.

1913. But as I understand you, in Scotland they began first without licenses?—No, there were licensed pawnbrokers before there were "wee pawns," I think that the "wee pawns" merely imitated the licensed pawnbrokers; I am not aware that there were "wee pawns" in 1806.

1914. I understood from you that there were such a number of persons buying goods instead of taking pledges, that you desired to have an Act passed to prevent it?—That was in 1856.

1915. Therefore, there was this facility being afforded to the community to sell the goods, and pledge them to such an extent that you applied for a prohibitory Act, was that so?—Yes, we applied for an Act to prevent pawning with brokers.

1916. Are you aware that that pawning was in point of fact a selling in the legal nature of the transaction?—It was not at that time a selling: there was a perfectly distinct legal understanding that the goods were held to be redeemed, and there was a fixed sum of interest agreed upon between the parties.

1917. But that was not a contract, was it?—There was a verbal contract.

1918. I thought it was a contract to sell the goods with a sort of honourable understanding that they were redeemable?—Not at that time: there was a distinct understanding on the part of "wee pawnbrokers" and their customers, that the goods were pledged; I am speaking of from 1835 to 1857.

1919. You tell us also that there are a great many brokers, those brokers are people who deal in second hand goods, are they not?—Yes.

1920. Then is it not reasonable to assume that just in proportion as the facilities for pledging were taken away, so would the business of the brokers take its place?—There is no doubt that to some extent it would, but I think that would arise very much from the change which has been created in the habits of the people by the system which has existed since 1806.

1921. But has the change in the habits of the people been created by their love of finery and of drink, as compared with their more simple habits formerly?—I do not think that the love of finery has anything to do with it. I think it is more with the desire of the gratification of the love for drink that the goods go to pawnshops; I have never seen any instance of persons pawning for the purpose of decorating themselves better.

1922. Is it not because they live beyond their means?—They exhaust their means; they have got habits of improvidence. They exhaust their money, and they resort to the pawnshops to gratify the desires which are a necessary consequence of the change in their habits.

1923. Do you contemplate that desire as being simply a desire for drink, or is it a desire for pleasure, and for idleness, and for various other things?—I think that in Scotland it is more the desire for drink; and I believe that, in so far as

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have ever been able to learn from any communications which I have had, either written or verbal, throughout the whole of Scotland, intemperance in fact is the great cause of the resort to pawnshops.

1924. Or that it follows the disposition to be improvident?—Yes; of course there must be a desire for drink before they go to the pawnshop, but how that desire has been originally created, it is very difficult to say.

1925. There must be a desire to spend more money than they have to spend for some purpose or other, must there not?—Yes.

1926. Can you find any other cause for that desire to spend more than they have, than the desire to get drink?—I speak from my own knowledge and observation of what is done with the money got in the pawnshops, and I find that that money is spent in procuring drink. With regard to that, I may state that the inspector of the poor has informed me within a very few days, that of five cases of parties claiming to get upon the poor's rate in the parish of Eastwood, four had been brought to that condition through intemperance and improvidence, the result of their visits to the pawnshops.

1927. Mr. *Montague Guest.*] I do not quite understand you with regard to the Act; did you say that there is a different Act in Scotland from what there is in England?—No; the Pawnbrokers' Act of 1800 existed at the same time. It is a British Act, and it is under the Pawnbrokers' Act of 1800 that the pawnbroking is conducted. The Glasgow Police Act so far regulates pawnbrokers. It was originally proposed by the magistrates of Glasgow to include the licensing of pawnbrokers in the Police Act as well as of brokers; but the pawnbroking interest used their influence to get themselves excluded upon the ground that they were a superior class to the brokers, and in many respects certainly they are superior, and the magistrates confine their licensing system to brokers.

1928. What do you mean by brokers?—Dealers in second-hand goods, and "wee pawns."

1929. Do you mean to say that they remitted the license which might have been put by the Act upon pawnbrokers?—Those people (the brokers) are annually licensed, and a very considerable number of them are refused annually by the magistrates. Whenever they are discovered to be acting against the public interest the magistrates withhold the license.

1930. At the same time the pawnbrokers are licensed too, are they not?—Yes; but it is a Government license which any man can get, whatever may be his character, if he chooses to pay 7 *l.* 10 *s.*; but he cannot become a broker in Glasgow now without a license from the magistrates.

1931. That only applies to Glasgow itself, I believe?—It only applies to Glasgow itself. By the general Police Act of Scotland in 1862, it applies also to burghs accepting the provisions of that Act; but there are very few burghs in Scotland which have accepted the general provisions of that general Police Act. They have taken such provisions as included watching, cleansing, and lighting, and so forth, rejecting others; and in that way the brokers are not brought within the operation of the Act, or under the jurisdiction of the magistrates of those burghs.

1932. What do the "wee pawn" shops pay for a license?—They pay nothing, except a small fee, I think.

1933. In your Bill, you recommend that a small fee should be paid for licenses for "wee pawns," do you not?—I recommend that they should pay a license duty to Government, which would have the effect of diminishing the number, and that taken in connection with the control over them by the magistrates through the annual application for a license, might have some beneficial effect upon the trade.

1934. Mr. *Orr-Ewing.*] You do not expect to make people virtuous by Act of Parliament, I presume?—It is very difficult to make people virtuous by Act of Parliament.

1935. But do you think that Parliament can enact laws which will restrain the vicious?—Yes; and they have very considerable control over classes who carry on businesses which are injurious to the public interest.

1936. Do you think that it is principally the intemperate and improvident, and vicious, who deal with those traders known as pawnbrokers?—In Scotland, to a very great extent, it is so. That is the result not only of my own personal observation, but the result of inquiries throughout every part of Scotland.

1937. Do you think that pawnbroking gives facilities to the vicious to get money readily to spend in drink?—It gives facilities which they otherwise could not have.

1938. I suppose from your observation that it is the lowest class of the population which deals with the pawnbrokers?—Almost exclusively; but it is working up into other classes, and causing ruin there as it has done amongst an immense number of the working classes.

1939. Have you found it to be demoralising to the population?—It is demoralising the population, and it has been and is increasing in its effect in that way to a very great extent.

1940. Do you think it is of any advantage to the frugal and well-conducted working man to have the opportunity of getting money for purchasing tools, or anything which he may require in his trade?—I do not think that a man of character requires to go to a pawnshop to buy his tools; any man would get sufficient from his employer to purchase tools.

1941. Can you give us any statistics as to the amount of money which is generally given upon pledges?—I can form no idea; I would not like to give an estimate, it would be only a guess.

1942. Could you state how many there are at 6 *d.* or at 1 *s.*?—I could not at all; but I believe that from 80 to 90 per cent. of the pledges in the two pawnshops in our own place are low pledges, below 10 *s.*, and that they have a very small trade in high pledges, and therefore the greater part of the pledges must be very small; and any of the pawntickets which I have seen are really for very small sums, such as 1 *s.*, 1 *s.* 6 *d.*, and 2 *s.*, and so forth.

1943. Not such amounts as would be of any consequence for maintaining a family?—Not the least.

1944. You mentioned a very hard case where a dissipated, worthless wife, sold everything in the house, and you mentioned that 12 pledges were put into a pawnshop in one day by that woman; had you an opportunity of seeing what the amount obtained on each of those tickets was?—Yes, I saw the amounts at the time; but this was 10 years back, and therefore I do not recol-

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lect. The sums were necessarily small, because the articles were given in detail. A Family Bible was one of them, for instance, then there were a child's shoes, and its stockings, and the frocks of one or two of the children, and the woman's gown, and the husband's coat, and so forth. They were all given out in detail in that way, and the sums advanced upon them must have been exceedingly small.

1945. Do you remember how much was got on the Family Bible?—It was a very small sum; I believe that pawnbrokers do not like Bibles in their traffic.

1946. Was it a very large Bible?—Yes.

1947. What would it cost to the family?—I have no idea at all.

1948. What is your opinion about restricting the amount that should be allowed to be given in pledge; how low would you go if there were any restriction, in order to restrain such practices as you have described?—If pawnbroking is a necessity, the necessity generally exists amongst the very lowest classes, and in that way, the lowest sum that can be got from a pawnbroker would probably be the sum that was most required; so that I could scarcely say that it ought to be limited.

1949. But if it is required for a vicious purpose, would it not be better to stop it altogether?—If it is for a vicious purpose, it matters not whether the sum be high or low; a person that goes to a pawnbroker to raise money for vicious purposes, will just take as much as he can possibly get upon an article according to its value.

1950. And you would not restrict the amount?—If pawnbroking is to be tolerated at all (and I presume that it has now worked itself so much into our social system, that it cannot be put down), I do not see what advantage it would be to restrict the sum.

1951. Would you be prepared to put it down altogether?—I think we could do very well without it; we existed before we had pawnbroking, and we have never been so well since.

1952. Would you put a clause into any law which might be enacted, preventing bed and body linen from being pledged by any party?—You might just as well put down pawnbroking altogether as do that; I think that in the cases of which I have been speaking the greater proportion of the pledges are bed and body clothing.

1953. Do you think that, as regards an article which is for the comfort and the well-being, and perhaps the safety of health of the owner, there should be such facilities for pledging it as are now given?—It would be a very desirable thing that there should not be such facilities; but if poor people are to be allowed to pledge at all, they can only carry such articles as they have to the pawnshop, and they have really nothing else except those sort of articles.

1954. In your opinion would it be any hardship that they should not have the facilities to pledge them?—I do not think it would be any hardship.

1955. You would approve of it then?—In the abstract I would.

1956. Perhaps you fancy that the people are so demoralised in your neighbourhood that they might feel it a hardship in the beginning?—I do not know why a man in my neighbourhood with good wages, should be in a position to have to resort to a pawnshop at all; if he has good wages and can only get a few shillings in hand which is all that is necessary, he does not require to be obliged to any person, and why he should be in this position so that his funds should be forestalled, and that he should go to the pawnbroker to enable him to subsist, or to gratify his desire for drink, is to me perfectly incomprehensible. There is no necessity for it whatever, in my opinion, and I think that he might do a great deal better were he to have no opportunity of pawning and pledging.

1957. Then you think that if the system of pawnbroking were done away with altogether it would elevate the character and condition of the working classes in Scotland?—I think it would, although I am afraid that it is now an impossibility.

1958. Mr. *R. Arkwright.*] You have stated that a large proportion of the witnesses in certain criminal trials are people connected with pawnbroking; they gave evidence for the prosecution, I suppose, did they not?—Yes, invariably.

1959. Do you not think that that assists in bringing criminals to justice?—I do not think so at all, because the articles are generally found in their possession after the thieves have been apprehended with the pawntickets in their possession, and in that way the pawnbrokers are only produced to identify the thieves.

1960. You stated that most of the pawnbrokers whom you knew, were doing a good business; is it not the case that most of them have a saleshop as well as a pawnbroking establishment?—They have shops generally.

1961. Do you know as a fact that it is from the pawnbroking that they get their income, and not from the shop?—They made money when they were keeping small pawnshops.

1962. But you are not able to say whether the profits came from the pawnbroking establishment or from the sale business?—I think that they could exist perfectly well without the saleshops.

1963. But still you do not know of your own knowledge that those people gain their profits from the pawnbroking part of their establishments?—I do not know minutely, because I never attempted to inquire into the profits of pawnbroking so as to be able to speak to the profits of the trade; but I have formed an idea of the expense of the pawn establishments in my own neighbourhood, and I have taken from the valuation roll the rent of their establishments, and I know the number of people that they employ and the burthens and taxes to which they are subject. I will take one case as an example. A pawnbroker pays a rent of 12 *l.*, he has an assistant at 75 *l.*, he has two boys at 20 *l.* each; he has taxes, probably 4 *l.* or 5 *l.*, and 7 *l.* 10 *s.* for a license; insurance, stationery, and printing, 12 *l.*, that is altogether 151 *l.* Now, I cannot conceive that carrying on a business with 40,000 pledges a year should not yield a sufficient livelihood to that man without resorting to a sale shop to eke it out, and I think, in regard to the saleshop, that it is a great inducement to the pawnbroker to conduct his business so as to secure forfeits of the low pledges, particularly those over which he has the entire control. I recollect that in the year 1868, a pawnbroker in Edinburgh published a pamphlet in answer to some statements that were published in the Edinburgh newspapers, I think, by Mr. Thomas Knox,

nox, a gentleman well known in Edinburgh, id who takes a great interest in social questions ere, and that pawnbroker admitted that 12 per nt. of all those small pledges were forfeited to the awnbroker. If that be so, he would, probably, ave a difficulty in disposing of those 12 per nt. of forfeited pledges, unless he had a shop; ut at the same time you can easily see that it a great inducement to the pawnbroker to conict his trade so as to have those forfeitures, ith which to furnish his saleshop; whereas, if e two businesses were separated, he would onduct his business solely for the purpose of aking out his income by the interest upon his edges. It would be a legitimate and proper ade for him to lend the money upon a certain te of interest, and he would make sufficient, nder the existing law, to enable him to live, and, live well, by the interest and profits of his siness, without the sale. If sales are conucted so as merely to transfer the forfeited edges, large as well as small, to the pawnoker's saleshop, I can easily see that that stem might be liable to very great abuse. In der to obviate that, I think that it would be tremely desirable that, instead of the pawnokers appointing the auctioneer to conduct those les, the auctioneer should be appointed by the agistrates, as well as that the pawnbrokers ould be licensed. I believe that that is the actice in Ireland. I think that there the auconeer is a party appointed by the magistrates. t all events, if that auctioneer were appointed the magistrates, the public would have confince that he would do justice to the interests oth of the party forfeiting the pledge and to the awnbroker; and if the auctioneer were to keep r 12 months an account of those sales, each ansaction could then be very easily followed; nd if notice were given either by him or by the awnbroker of any surplus, there is little doubt at, if there was a surplus, it would be claimed; hereas I believe that, at present, little or none the surplus funds, if there be any (but I susct they are very small), are claimed at all.

1964. Mr. *Montague Guest.*] Does the pawnoker keep that surplus himself?—Yes; he is bliged to keep the surplus on the articles forfeited nd sold, under the Act, for three years, and account for it to the pledgers; but at the nd of three years it goes to the pawnbroker nless claimed.

1965. Colonel *Beresford.*] Are not three days' otice usually given of the sales by auction?—I bserve a very large number of notices of sales one particular Glasgow newspaper.

1966. But they give a certain notice of so any days, do they not?—Yes, before the day of le.

1967. Do you think that the non-attendance the public arises from an impression that if the ublic were to attend they would get no benefit, nd would not buy the things cheaper?—That is y impression.

1968. Have you read the Bill which is now efore the House?—Yes.

1969. Do you know what rate of interest is enerally charged in Scotland?—I believe that, far as possible, the pawnbrokers in Scotland mply with the Act. Of course there are fracons which they cannot very well calculate, and ey may in some cases exceed the sum that they e legally entitled to charge.

1970. Are you aware that in London the rate interest ranges from 20 to 35 per cent.?—Yes, the pawnbroking in London is conducted under the same Act of Parliament, and under the same conditions and terms as pawnbrokers in Scotland.

1971. Your evidence goes to show that a very enormous per-centage of the people who pawn are of the working classes; do you think that they are in a position to pay a higher rate of interest than is already charged?—I do not think they are; I think the rate of interest is amply sufficient to remunerate a pawnbroker who properly conducts his business.

1972. Are you aware that under the present Act 12 months, with three months' grace if notice be given, is the period which must elapse before the pledge can be parted with?—Yes.

1973. Do you think it desirable or otherwise, that the time should be reduced to six months?—I cannot see any advantage to the pledger, at all events in the time being reduced. It might be of great advantage to the pawnbroker, to get the article forfeited, and to get it into his saleshop sooner.

1974. Do you not think that it would be an advantage that they would have to pay the interest half-yearly, which would be probably less inconvenient than running the interest up for 12 months?—The interest is a small matter. When a person pledging an article for a small sum, has the ability to relieve the article a penny or twopence, or threepence interest, will be no obstacle to his relieving the article. If he has not the money to relieve it at all, and it is forfeited, it matters not what the interest is.

1975. In fact, you think that anybody who wanted to redeem an article would redeem it when he required it?—Yes; I think that those who are legitimately transacting with the pawnbroker, that is to say, those who are pledging from necessity and are desirous to preserve the articles they are pledging for the use of themselves and their families, will redeem them as soon as they possibly can; but the wretched class of people who frequent the pawnshops are miserably poor, and they have no help for themselves but to allow their pledges to be forfeited. The number of articles that are forfeited is very large, and the loss to the poor through forfeiture is very great; and I think that it would be much better for those poor people if they had no opportunity of losing their goods in that way through the pawnshops at all.

1976. Mr. Alderman *Carter.*] You say that the number of goods forfeited, is very large; do you know the proportion?—I stated a short time ago, that a pawnbroker in Edinburgh, himself admitted that of the small pawns 12 per cent. were forfeited.

1977. Do you think that that is a large proportion?—Yes; I think it is a large proportion of the pledges to be lost.

1978. Have you gone into any calculations to enable you to say positively that small pawns are profitable to the pawnbroker?—No, I have never gone into the question of profit to the pawnbroker at all.

1979. Then, is it merely an opinion that you have formed?—I have formed no opinion upon the subject, except that I see that the pawnbrokers flourish, and I see that the business is quite sufficient to maintain them, and to enable them to amass large sums.

1980. What business is principally carried on at Pollockshaws?—Bleaching, dyeing, steam-loom weaving, cotton spinning, pottery and coal

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mining all in Pollockshaws, and its immediate neighbourhood; so that we have an entirely manufacturing and working population; and that brings to my recollection, a fact which I will take the liberty of mentioning to the Committee, in regard to the poor's rate. It shows how, through some means or other, the population is reduced to a very miserable condition. There are 2,008 householders in Pollockshaws now, our population being a manufacturing population; and out of those 2,008 householders in Pollockshaws not less than 1,101 were last year exempted from payment of the poor rates on account of their poverty.

1981. May not that to, a very great extent, account for their pledging their goods?—No, I think it is just the effect of their pledging; I think that the pledging accounts for the fact of their poverty.

1982. You gave the Committee a terrible account at the commencement of your evidence of the drunkenness and improvidence of the people in your town; is your town an exception to the rule, or may we take that as being the general condition of Scotland?—I am not aware why it should be an exception; there is no speciality in the population except the fact of the excessive pledging and pawning.

1983. Would you take it, that the description which you have given to the Committee of the town of Pollockshaws, would be a description of most of the manufacturing towns, at all events, in Scotland?—I have learnt from other quarters that they have just the same complaint to make of pawnbroking as we have.

1984. *Chairman.*] Will you inform the Committee how many chargeable poor there are in that district?—I cannot specify the exact number. The number of people in the parish is 11,000.

1985. Is it chiefly out-door relief that is given?—It is almost entirely out-door relief; there is very little in-door relief, and that is applied in very few cases.

1986. Mr. Alderman *Carter.*] Has not drunkenness very much decreased in Scotland in the last few years?—I am very sorry that my experience of it, judging from the amount of crime, and the number of cases arising out of drunkenness which passes through my hands every day of the year, gives me a very different opinion.

1986*. Then do you doubt those returns which have been put forward?—I speak from my own observation and knowledge.

1987. You say that pawnbroking has very extensively increased; have chapels and schools increased in the same proportion?—Not at all.

1988. Then, while there has been an increase of population, there has not been an increase of schools and chapels in your town?—There has not been in proportion.

1989. Mr. *Whitwell.*] You stated that you had inquired into the number of pledges taken in March and in May; do you know whether those pledges remained for many days or a month, or have you any knowledge at all upon the subject?—I have no knowledge at all upon the subject.

1990. Are the pledges handed in and put in pawn on one day of the week, and redeemed on another day of the following week?—I suspect that is the case with very few of them.

1991. Then the pledges are necessarily forfeited, are they not?—They are not necessarily forfeited. I am disposed to think that the average struck by these Edinburgh pawnbrokers of 12 per cent. on the whole of those small pledges is the fair average.

1992. Can you inform the Committee how many of those 90,000 pledges are redeemed?—I cannot tell.

1993. You stated to the Committee that crime has increased 150 per cent.; that the expenditure upon the poor has increased 1,000 per cent.; and you have come to tell the Committee that the cause of all this is the establishment of two pawn shops, is that so?—No; I have stated very distinctly that there are several other causes for that increase as well as the two pawn shops; but I look upon the two pawn shops as the great cause of the increase, and I have so stated.

1994. How are the wages to the manufacturing population paid?—Mostly weekly and fortnightly.

1995. Are the colliers paid fortnightly or monthly?—I am not quite sure about the colliers; very probably they are paid monthly.

1996. You have stated to the Committee, have you not, that the population was a well-employed population at large wages?—Generally speaking the whole population are well employed at large wages.

1997. Then how do you account for all the poverty of which you have told the Committee?—I have been endeavouring to account for it. The whole scope of my evidence has been accounting for it.

1998. Will the poor relief be given to persons who are well employed at large wages?—In Scotland we do not give any relief at all to people unless they are in indigent circumstances, or are quite unable to support themselves.

1999. Then do they refuse to work?—They do not refuse to work, but whether they work or not we do not give them any relief in Scotland if they are able-bodied.

2000. Then what entitles them to receive relief?—Their being "indigent and impotent persons;" to use an expression in Scotch law.

2001. Then that is not the class of persons who are caused by the pawn shops to require relief?—I have told you that the inspector of the poor has stated to me (and he is quite willing to come here to prove that statement by his evidence), that in four out of five cases of application of persons in Pollockshaws and the vicinity, to be put upon the permanent poor roll, they have been reduced to the position of paupers, by improvidence and intemperance through connection with the pawn shops.

2002. *Chairman.*] May we presume that they have got rid of all their property before they came to the parish?—Yes; every particle of it.

2003. Mr. *Whitwell.*] Then after all, the cause of all this distress and crime is intemperance, but you think that the pawnshops afford facilities for indulging in that intemperance?—Yes; and it arises from the general habits of improvidence of the people.

2004. Mr. Alderman *Carter.*] Do you know the two pawnbrokers in your town well?—Yes.

2005. Are they respectable, honest, and decent people?—Yes; they are men who have risen by close attention to their business, to the very good position that they occupy as pawnbrokers; they are as respectable as men in their position can be.

2006. *Chairman.*] You have spoken of the great number of pawnings that take place in this neighbourhood; do you think that many of the pawn

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pawns come from beyond the district?—I do not think so; some must come, and many must go; I think that they both come and go. There is a matter which I have suggested for inquiry, and which I have brought under the notice of Government, that pawn tickets ought to pay a duty, that they ought to be stamped; I think that a stamp of one halfpenny upon the 278 millions of pledges in a year, would produce a sum of nearly a quarter of a million, which might be very well applied to remedying the evils caused by pawnbroking; now, I find that the pawnbrokers are very anxious to have an additional burden put upon the pledgers for pawn tickets; the pawnbrokers say that the pledgers do not pay enough for pawn tickets, and that they can afford to pay more; I would be of the same opinion; I would like another halfpenny to be put upon the pledges too, but I would have that halfpenny put upon the ticket in the shape of a stamp, which would yield a large revenue to the Government, and be no hardship to the pledger, because I hold that nearly the whole of the funds that they get from the pawnbrokers, go for improper purposes. It would be a very small contribution by the pawnbroker in the case of forfeited pledges out of their receipts to Government, and that stamp would be one means, although a small means probably, of discouraging pawnbroking to some extent, while it would yield a very large revenue to the Government, which might be applied to very many beneficial purposes, either police purposes, or for education.

Mr. Archibald McKay, called in; and Examined.

Mr. *A. McKay.*

2007. *Chairman.*] Are you a Pawnbroker at Glasgow?—Yes.

2008. Have you been long in business?—I have been a manager and employer for 26 years.

2009. Are you connected with any local association of pawnbrokers?—I am secretary to the Glasgow Pawnbrokers' Association.

2010. Have you made yourself acquainted, generally, with the business of the pawnbrokers in Glasgow?—I think so.

2011. Can you tell us what is about the amount of capital which is lent yearly in pledges?—I take it to be in money 1,392,000 *l.*

2012. How many pledges are made annually?—I take it to be 6,960,000.

2013. What would that give as an average on each pledge?—I average them at 4 *s.*

2014. Can you give us now the experience of your own shop; what is your capital?—The amount of capital lent on pledges is 3,500 *l.* The amount of total capital in my business is 4,482 *l.*

2015. How many pledges do you take in in the course of the year?—The number of pledges is 53,884.

2016. What is the amount of loans on those pledges?—£. 8,372.

2017. What would that give as an average for each pledge?—In my individual case it is 3 *s.* 1 *d.*

2018. What do you make out to be the whole cost of carrying on your business?—The cost of each pledge for carrying on the business is $1\frac{1}{8}\frac{1}{6}$ *d.* But there is nothing charged in that for my own labour, and for the labour of my two sons who assist me in the business.

2019. Then what is the amount of interest in the year?—The gross amount is 613 *l.* 13 *s.* $6\frac{1}{2}$ *d.* including everything from every source.

2020. What are the whole expenses, exclusive of the charge for yourself and your two sons?—The expenses are 227 *l.* 2 *s.* 2 *d.*

2021. After deducting five per cent. interest upon your capital, what is the net profit?—After deducting five per cent. interest upon the capital, I have left 162 *l.* 9 *s.* 4 *d.*

2022. That would be how much per cent. upon the capital?—Leaving five per cent. for capital, there is 1·9 per cent. on the turn over.

2023. Mr. *C. H. Mills.*] Why do you divide the capital between the profit and the turn-over?—It is to show the amount as divided between the two. It shows a gross profit over all of 13·6 per cent. on the capital.

2024. *Chairman.*] You put it on the assumption that you borrow the capital wholesale at five per cent., and that the operation of retailing gives you a profit of 162 *l.* 9 *s.* 4 *d.*; is that the assumption?—Yes; I may say that I surrendered a sum equal to my lease in the way of selling property to a railway company. I am out of the money, and consequently I consider that I am entitled to a per-centage for it.

2025. Your rent, if you had not the money invested in the house, would be so much greater, I presume?—Clearly so.

2026. Mr. *Orr-Ewing.*] But you have not that money in your business, have you?—I have not, for the simple reason that I have surrendered it.

2027. Is your accumulated interest upon your pledges put in as capital?—That is put in as capital; I should receive that amount if I were winding up my business.

2028. Still it is not really capital; it is anticipated profit, is it not?—It is anticipated profit. I consider I have a right to put it in as such.

2029. Is not the capital in the business that which you have free to turn over?—I may be in error, but I consider that I was perfectly entitled to put in this item.

2030. *Chairman.*] Can you tell us whether the goods pledged with you are generally redeemed, or whether they are forfeited?—I may state that, as nearly as is practicable, I average them at about $7\frac{1}{2}$ per cent. unredeemed.

2031. Do you make a profit on the unredeemed goods?—For the last four years I certainly made a loss, but for the last year I consider that the one set off the other as nearly as possible.

2032. Do you sell by auction your goods which are unredeemed?—I do.

2033. The whole of them, or only those over 10 *s.*?—I sell all by auction with the exception of perhaps an individual article which is asked for by the pledger.

2034. Are the unredeemed pledges sold by an auctioneer?—Yes, both under and above.

2035. How did it happen that you did not lose in the last year as compared with other years?—The one just about brought round the other. There is neither loss or profit upon the last year, it just about fairly balances.

2036. Mr. *Hambro.*] Did you buy a lot of those things and take them home and sell them for more money than you bought them for?—Never, it is not my practice to do so.

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2037. *Chairman.*] Do you find that many persons come to you and ask if their goods sold for more than was lent upon them?—I have only had two applications during 20 years, and in one case when the party called for an explanation as to overplus, in showing him the result of the sale it happened to be a 12 *s.* pledge, and 12 *s.* 6 *d.* was realised at the sale of it; the sale expenses amounted to something like 3 *s.*, or thereabouts, which they would have had to pay me, and the moment I said that they left the premises, and I never heard of them more; they ought to have paid me that amount, I having lost that upon the transaction.

2038. Mr. *Montague Guest.*] Must it not have shown a great want of judgment on your part to have lent so much money upon the article?—I think that it will rather go to show that we are rather generous on our loans, unfortunately too often.

2039. *Chairman.*] Do you think that it would be any advantage if the period for redeeming pledges were shortened?—I do.

2040. In what way?—I consider that it would be a mutual advantage. In the first place mine would probably average 7½, it might be rather over the English proportion, and the reason is, that we are very subject, in the way in which we sell our goods by public auction, to their being bought under value and re-pledged with the pawnbroker, and consequently they must become forfeitures. Those pledges are never redeemed, for there is as much got for them as was paid for them, and the consequence is that they are left on our hands by the re-sale; I think that the state of matters would be very much improved if the time were shortened; I think again that it would give a decided advantage to the pledgers, inasmuch as they could very often pay six months' interest if the time were reduced to six months, whereas they could not pay 12 months' interest. It would, in my notion of the thing, be a very great inducement to run the risk; the goods would be very much fresher, and with regard to wearing apparel they would be more in fashion. As a rule I find when they leave them for 12 months, that interest and fashion together, are matters of consideration, and they will not lift them.

2041. Can you state how far goods not redeemed at the end of six months are generally abandoned altogether by the pledger?—Very often that is the case.

2042. Are there many goods redeemed after six months?—I think as near as my own knowledge goes, there will not be more than 15 per cent. remaining after the six months.

2043. And about half of those would be finally abandoned?—There would be about half of those which would be redeemed during the running six months.

2044. Do you know whether it is the practice generally of the pawnbrokers in Glasgow to buy in their pledges at the sale by auction or to let them go to the general public?—Unless it be in some very rare case indeed where the article is not by any means bringing the value, it may be bought in, but not as a rule. The sales are very largely attended by those brokers who have been spoken of as dealing in second-hand pledges. As a rule, there are no shops attached to our pawning places; I do not think that you will find six out of the 116 pawnbrokers in Glasgow, who are exclusively sellers of pawnbrokers' goods bought at those public auctions.

2045. Do you mean that pawnbrokers in Scotland do not sell second-hand goods at all?—Not as a rule.

2046. Do they sell goods of any sort?—There may be an exception; I do not think that there can be more than six out of 116.

2047. The pawnbrokers confine themselves exclusively to pledging?—Yes, I do so myself in the place I speak of.

2048. Mr. *Crum-Ewing.*] You have no retail shops at all?—No retail shop.

2049. *Chairman.*] Do you know whether the brokers of whom you have spoken, transact much business in buying second-hand things of small value?—As to that, I have no knowledge; that does not come under my observation.

2050. Have you much intercourse with the police in the execution of your business?—I think I have more than any pawnbroker in Glasgow.

2051. What is the general character of that intercourse; do the police come to you for the purpose of knowing whether the goods are pledged?—They do. I may state that we are the principal main-spring of the detection of goods that are in the hands of pawnbrokers; it is done by the information which we give to the police that such-and-such articles have been offered, and by delivering over to them both the goods and the party offering them.

2052. Is it your own practice, and that of other pawnbrokers to make much inquiry upon the tender of goods?—Generally it is.

2053. Upon what principle do you proceed in making inquiries?—It has been already shown to you to-day that notices come round. Whenever we get those notices in the morning we post them into a book. We have a book for the special purpose, and we do it alphabetically and numerically, so that we can at once trace them. If a customer comes in, and it is a party whom we know, we know where to find him if anything is wrong, but if we have reasonable ground for suspicion, and the person is a stranger, we refer to the book which I have mentioned, and, if we find that the article offered is described there, we do not give any intimation to the party, but we should detain him while we sent for an officer. If goods come in for which we have no report, but merely a suspicion in the mind that there is something wrong, we do the same with them.

2054. Do you find that people generally give their true names and addresses, or do they give fictitious names?—As a rule, the name is fictitious, and the pawnbrokers do not know it.

2055. But I suppose that you get to know parties who repeat their pledges constantly?—By-and-bye if we should discover the proper name, we would not have any but their proper names; but there is a delicacy on the part of the pledgers which causes them to assume a fictitious name.

2056. Then, do people who pledge repeatedly still adhere to their pledging names?—They do, unless we have discovered to the contrary, and endeavoured to correct it. Still, they would prefer the other for privacy, so that their neighbours should not know.

2057. Can you tell us whether the pledges are brought to you to a great extent by women as compared with men?—They are, and for the simple reason that the men are employed at their labour, and often to my own knowledge they depute the women for the purpose. It is a perfectly well understood thing.

2058. Has

2058. Has it been brought to your notice that he men complain of the women pledging the hings?—I never had an instance of it.

2059. Did you ever have a husband come to ou complaining of that?—Never, in all my ex-erience.

2060. Do you find that when the women ledge they redeem also, or do the husbands come o redeem?—Both of them. It is quite a com-non practice for the husband to redeem on the Saturday evening.

2061. Has there been a great increase in the usiness of pledging in Glasgow within recent imes?—There has been a considerable increase. may state, as a reason, that the population has ncreased to a very considerable extent, and that he passing of what was called the Halfpenny Act, which was passed, as I understand, by the Government for the purpose of getting rid of hose little pawnshops, and inducing the large awnbrokers to undertake those small pledges, as had this effect: that it cut off, to a large xtent, those small pawn shops, which were bliged to take out large licenses.

2062. Then at the time of the passing of that ct were there a great many people who carried n this irregular business in Glasgow?—A very rge number.

2063. On what terms did they do business?—bout 30 years ago the rate was 1 *d.* per 1 *s.* for week. It came down until, at the time the Act as passed, it was a halfpenny for 1 *s.* for a week; r 2 *s.* it was a penny; and for a month it was *d.* for 1 *s.*

2064. Were these amounts paid to the irregu-r dealers, because the pawnbroker did not take those small pledges, it not being worth his hile to do it?—Clearly. The Act was made to nable the pawnbrokers to undertake that small usiness.

2065. Is it your opinion, that previous to the Halfpenny Act being passed, there was a large usiness done in Glasgow with those irregular ealers?—Very large; I have known some of hose men make more money in a twelvemonth han a pawnbroker would make in five years, in roportion to the capital employed.

2066. By this business in the smaller articles?—Yes, the amount of profit which they received as so large.

2067. Did they make a formal bargain to buy he goods with an understanding that they were o give them back?—The distinct understanding n purchasing the goods was, that they should be re-sold in one month. They were not bound by ny law whatever, but there was a sort of tacit nderstanding between the two, that the dealer hould keep the article for a month for the ledger; but that if he should take it into his ead to sell it previously to the expiration of the onth, there was no fault.

2068. Was not the legal contract made be-ween them, a contract for the sale of the goods?—There was no legal contract, but merely an nderstanding.

2069. But it was in the nature of a purchase f the goods, was it not?—No; it was given in he way of a loan, but it was understood that the oods should not be sold under a month.

2070. But how could that be a legal transac-ion?—I do not say that it was a legal transaction. t was a transaction, but there was nothing to ind the party; there was no ticket issued.

2071. But still the Act itself, as you are pro-

bably aware, states that the practice was to purchase the goods?—At the time I speak of, before the passing of the Halfpenny Act, there was no Act regulating those matters at all.

2072. But I am speaking of the Act to suppress those irregular transactions; are you not aware that that Act recites that it was the practice to purchase goods with an understanding that they should be given back again?—Yes.

2073. Was that the nature of the transaction in Glasgow?—Yes; it was the nature of the transaction.

2074. The man with whom the goods were deposited, might sell them, or he might do what he liked with the goods legally, but there was a sort of understanding that he should keep them a certain time; was that so?—Quite so.

2075. Then the effect of preventing small pledges by not allowing you to make a reasonable charge for them, was to drive the poor people into selling their goods when they wanted money, was it not?—Clearly.

2076. Since you have been allowed to charge a better rate, instead of selling their goods, they pledge them, I presume?—I may state that so far as my own knowledge goes, since the passing of the Halfpenny Act, the number of pledges with the pawnbrokers has been very greatly increased; but I may also state, that the booking expenses have increased with them. The pawnbroker could do with a lesser number of hands, and his pledges paid him very much better, previous to that than they have done since. Although the Halfpenny Act appeared to benefit the pawnbroker, it was only in appearance, The cast of working those small pledges of 2 *s.* 6 *d.* and under, exceeds anything which can be got for them, unless they lie for a length of time.

2077. What is the inducement now to a pawnbroker to transact business if he does not make a profit by it?—The answer is simply this: that if you will not take that pledge from a customer he passes your door, and goes to another who will take it; and when he takes that, the customer will go to him with a larger parcel, which would pay you if you got it; that is the real and tangible reason which I can give for taking those pledges; that is my own experience; if I were confined to that small class of pledges I would shut up shop; supposing that I got for 6 *d.* the same amount that I get for 2 *s.* 6 *d.*, I might shut up shop, because I should be working at a loss.

2078. What rate would remunerate you for small pledges?—I get one halfpenny for 2 *s.* 6 *d.*, and one halfpenny for the ticket, which is 1 *d.*, while it costs me, not including my own service or that of my boys, 186 *l.* to work it. I have been met by the argument before I left Glasgow by some who I understood were to make an appearance here, and who I believe have done so, that they did not think that I was telling the truth with regard to that; I put figures before him, and I said, "Name any amount of pledges that I have taken in at 2 *s.* 6 *d.*, or under it, and I will give you credit for it." In the statement which I have handed to the Committee I give credit for all those 6 *d.* articles; it was endeavoured to be shown that it was 200 per cent. that I received for them, but I show, as I said, that it has cost me $1\frac{1}{86}$ *d.* to take even that 6 *d.* article, so that I give them the full benefit of that statement.

2079. Then what rate of remuneration for

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small pledges would be sufficient?—I think that if we had the Irish rate of interest it would suffice.

2080. That is if the minimum charge was 1½ *d.* for the smallest pledge?—I think so.

2081. Have you been called upon to return many goods to parties as stolen goods, or as goods dishonestly obtained, which had been pledged with you?—£. 3. 19 *s.*, I think, represents the loss from that cause during the 12 months in Glasgow in that business, which I have laid before you; and I have this to complain of, that while they were alleged to be stolen, I do not believe that they were, and I will give my reasons for it. It is the system, according to the Glasgow Act, that if a man or woman comes and alleges to the police that they have lost an article, they lift the article from the pawnbroker who is alleged to have it, or they go round the pawnbrokers and search for it; having uplifted it, I am safe to say, that in three out of every four cases, there is no thief to try. I am served with a notice to attend the court, and show cause why I shall not deliver over the article to the party claiming. I think that is a very hard case; the onus is thrown upon me to prove that this article was not stolen. I can state cases where I know that young men (and I am sorry to say married men) have gone out of a night and lost a watch, and rather than go home to tell the tale how they had lost it, they went to the police office and reported that they had got it picked out of their pocket in the street. I have been under the necessity of sifting out a number of cases, and proving them to have been taken in a brothel, or, as we are in habit of saying, "up a close."

2082. But that would be equally stolen, would it not?—In that case it would be stolen, but they had no thief in this case, and I am obliged to show cause why I should not give the watch to the man claiming. The man has told the tale, but he only said that he had it taken out of his pocket, and unless I have some proof to bring forward, the watch is ordered to be given over to him; and therefore I think there ought to be a witness to corroborate this man's statement. There is one thing of which I take advantage whenever I can, it is this: there is what we call in Scotland a multiplepoinding, and upon the multiplepoinding I bring it before the sheriff, and the sheriff will not decide until the theft is proved satisfactorily to him. I have, in my possession at this moment a watch which lasted five weeks in trial before the sheriff, and the sheriff and the police contending for jurisdiction, I have it at this moment lying in my safe by the sheriff's order.

2083. But in those cases which you mention as a grievance it seems, does it not, that the watch was stolen, though the attendant circumstances were not very clearly stated?—I allege that it may have been given, or that it may have been left for a pledge with the party, and that the party has pledged it to raise the money. This is often the case, because there is a facility given to get goods by the police, and therefore it is resorted to.

2084. Then do you mean that it was not a case of stealing, because the man parted voluntarily with his watch for some reason or other, and then being afraid to own it, he alleged it to be stolen?—Clearly. I can give you a case in point, where it was arranged at New Year's time, which is our festival time, that two neighbours should have a tea party. One lady instructed another to go into her house and she would simply leave the key in her door and go out. The other went in and carried off a silk dress, and she went to the pawnbrokers with it. The pawnbroker had some suspicion that the thing was not correct, from her statement in answer to a question which is invariably asked if they are strangers, "Are these your goods? where do you live? what is your name?" and if there is anything to excite suspicion, of course more is asked. The woman gave her statement, and the pawnbroker was not satisfied with it, and he sent for a police officer and took her to the police office. While they were at the police office, the party who had arranged the matter, came in to state the loss she had met with. The other party seeing her at the bar making the statement, burst out upon her, and accused her of having done this thing. That is another method of doing it, and those facilities are given through this police operation.

2085. Then you do not recognise the propriety of the police arrangements in Glasgow as to pawnbrokers?—For my own part, I should have no great objection to the police arrangements, if we had a different system of disposing of the goods. Where there is a clear case of theft, I have nothing to say; but where it is a disputed thing, I would like another arrangement.

2086. You object to orders being made to restore the goods, unless the party accused is prosecuted to conviction?—Clearly, or unless there is sufficient proof.

2087. Do the local regulations work well in other respects?—Yes; unless advantage is taken of the privilege given to make other uses of it. The Committee had an instance given the other day of a use being made of the privilege given to the police which was clearly never intended. I have known cases of policemen doing it to obtain information for private individuals.

2088. Mr. *Crum-Ewing.*] What was the case to which you alluded just now?—The case to which I have referred was that of a policeman whose son actually steals a saw. He did not want that it should be known that it was his son that did it, and he went to another policeman and he said, "Go up and examine the book and see if it is there, and if it is there turn it out. I think it is there, or at least the boy at least tell me so." The other policeman comes to me and says, "That saw I know was stolen, and I am instructed to get it." I said, "You cannot get it, if it is to be got I will give it over to the police in the proper way, but not to you;" and my reason for acting on that plan is, that there are certain men set apart for that duty in Glasgow and no other policeman has the right to do that unless he is deputed by the lieutenant to do so.

2089. *Chairman.*] You conceive that the police generally, ought not to have that authority, but that the authority ought to be vested in some one person, is that your view?—Those are rather the exceptions, I think, which I have given you but still I think it would be as well if they were confined to the special thing, that of searching for stolen goods alone, and were not allowed to make any other use of the books.

2090. Do the other regulations of the local Act in Glasgow work well as regards the pawnbrokers?—I have no objection for my own part to it.

2091. Are there any alterations of the law that the pawnbrokers in Glasgow particularly desire

desire beyond those which you have mentioned?—I should like, for my own part, to see the hours shortened a little. I may state that in Glasgow we have made a rule to close earlier, that is to say, at 10 o'clock on Saturday night all the year round. As a rule we close at 7 o'clock on the other five days of the week, but on Saturday we close at 10 o'clock for the purpose of giving the young men rest. It is rather late, I think, to be carrying on business till 11 o'clock. It is found to work very well to alter it to 10 o'clock. When I first moved in the matter several pawnbrokers found fault with me, but I think that it is a step in the right direction.

2092. Do you think that the law is made to assist you in the arrangement of your business, or to protect the public by closing the shops against pledges being received at night?—I think what was meant by this law was to do away with the risk of receiving stolen property at night; we should like to frustrate that by shortening the hours.

2093. Do you think there is any difference as to the period of the day at which stolen property is offered for pledge?—I do not think so; I think it is offered as readily in the morning as in the evening; there is no particular time of the day that I could fix for it. As a general rule, stolen property does not find its way to a pawnbroker at all; pawnbrokers are the last parties to whom the stolen goods go, if the goods can be at all identified.

2094. Is that on account of the pawnbrokers keeping a register of them, and keeping them for 12 months?—Clearly; and it is not only the duty, but the interest, of the pawnbrokers not to receive stolen property.

2095. Where do the stolen goods go generally?—There are receiving shops kept by people who are known to receive stolen goods, and they are no sooner got than they are put out of the way; the police know it perfectly well.

2096. The Committee have been informed to-day, that in the majority of cases before the criminal court, pawnbrokers or their assistants, appear as witnesses, how do you explain that?—I think I can explain that; in each pawnbroker's case, there will be probably three pawnbrokers in one case, as against one broker; the broker carries on his business by himself in a shop, and he can attend to it; a pawnbroker has generally from three to four assistants, and the police will take everybody out of the warehouse that is necessary to prove their case; consequently, that multiplies the number of pawnbrokers that appear.

2097. But supposing that you diminished the number of cases in that proportion, there would seem to be a large number of cases in which pawnbrokers appear out of the whole of the criminal cases in Glasgow?—I think that if the number of cases is put against the number of pledges, it does not seem very excessive.

2098. But as regards the number of criminal cases that are prosecuted, would it not seem to be considerable?—I do not see it in that light.

2099. As to the habits of the people who come to make small pledges, to what class do they belong?—They are a very fair class of the community; they are not as I have heard stated here, of the very lowest class.

2100. Are they workmen?—They are workmen, and in receipt of very fair wages.

2101. Then to what do you ascribe this practice of pawning their clothes and other necessaries of life?—My own pawnbroking business is pretty near the locality where the ship-building goes on, and ship-building in Glasgow has been so very prosperous for some time past, that people from this neighbourhood, round about where ship-building has gone on, have come to Glasgow; in coming here, they have incurred very great expense, and never a week goes over my head, but I send, I should say, for from 5*l.* to 10*l.* worth of goods to England, to be brought down to them; this, of course, keeps them down at the beginning, with the expenses which they have incurred in going down; they have been out of employment for a certain time, and they necessarily get into those little difficulties, but the moment they can overcome them and work it off by degrees, that is done; there is a very large class of that kind.

2102 Previously to the particular migration of which you are speaking, to what do you ascribe the tendency of the people of Glasgow to pawn their clothes?—There are a large class of fish dealers and fruit dealers in Glasgow, and this will account to a certain extent for the fearful number of blankets pledged, of which the Committee have heard. A party has, perhaps, nothing else but a pair of blankets, and he or she will raise so much money, say, 5 *s.* on those blankets, in order to purchase fruit or fish. In many cases they will return to me in the evening, and if I put the question, as I have repeatedly done, to them, "Now, how much have you made in the day on the transaction?" they have said that they have cleared from 2 *s.* to 2 *s.* 6 *d.* on the day's transaction, while but for those blankets they could not have done it, and consequently they would have placed themselves in a worse position.

2103. You are describing a class which is very much of the artisan class as being interested in small pawning, are you not?—Yes. Then I have the bootmakers and shoemakers, who get orders for, say, a dozen pairs of boots and shoes. They have probably only such an amount of money as will purchase one-half of the material. They purchase that, and having got this material, with the cost of the workmanship and the material, they probably realise two-thirds of the whole from me, and then they finish the dozen pairs, and they go to market with them on the Saturday, and derive their profit in that way.

2104. To what extent do you think that the classes who pawn, pawn for the sake of dissipation or mere improvident expenditure?—It is undeniable that that is the case here and there, but these cases only come before the magistrates, and those who have been speaking of them. Such cases are by no means the rule.

2105. What proportion do you think the cases of persons pawning goods to gratify their taste for sinfulness and other depraved habits would bear to the rest of the community?—I do not think I could give you more than one in a hundred who pawn for the sake of drink.

2106. What do you think is the proportion who pawn generally through improvidence; that is to say, for holiday making and mere idleness?—I would not attempt to say that because I do not believe in it. It occurs only to a very limited extent.

2107. Is it your opinion that the chief business of small pawning is for the purpose of meeting the reasonable requirements of the working classes,

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classes; the humbler classes of society?—It is indeed; and that class of pledges generally takes place on the Friday or Saturday, for the reason that the week's amount for sustenance is nearly gone, unless so far as enough is left to carry them over to the following day.

2108. Would it not seem to indicate rather fast living if a man has spent his wages by Thursday, when they are intended to last till Saturday?—We all know that it takes nearly all a man has to keep him going, and if he needs an extra pair of shoes, or anything of that kind, it must be had.

2109 Are the Committee to assume that people of that kind live so thoroughly up to their wages that they exhaust them before the week is over?—I think that, as a rule, you will find that to be so to a great extent beyond the working classes. I find that the more a man earns, the more he will spend.

2110. But do you think that there is a very large class of working people in Glasgow who are disposed to spend their wages so freely that they are obliged to pawn before the week is over?—I do not think so. Bereavement is very often the cause of an individual coming first to us; I have known a case where they could not meet the necessary expenses out of the ordinary amount which they had for wages; and that was the first beginning of it, either illness or death in the family is often sufficient to make a beginning.

2111. But this enormous number of small pledges is hardly accounted for by the causes that you have given to the Committee; out of the 6,900,000 pledges, how many do you suppose are under 2 *s.* 6 *d.*?—I may state that that is an approximate statement which I have given to the Committee; there are 116 pawnbrokers in Glasgow, and I may assume that that is correct information, as I take that from the Excise books.

2112. But of the 6,900,000 pledges, how many do you suppose are under 2 *s.* 6 *d.*?—I could scarcely give you an answer to that question; in my own case, I think there might be about one-tenth under 2 *s.* 6 *d.*; but I know cases where there are not 100 pledges under 2 *s.* 6 *d.* in the whole year. There are certain offices that do a larger kind of business; it depends very much upon the locality.

2113. Then, looking to the fact that your average loan is only 3 *s.* 1 *d.*, you must have a very considerable number between 2 *s.* 6 *d.* and 5 *s.*, I presume?—I have a good number that are about 3 *s.* and 4 *s.*; but I have not made those calculations, and I cannot give you them very correctly.

2114. Then do you think that the reasons which you have given for pledging, would sufficiently account for the very large number of small pledges which are made in Glasgow?—I think so.

2115. Is there a large number of pledges which are made for the purpose of gratifying the propensity for drinking?—I do not think so.

2116. Mr. *Montague Guest.*] I think you stated that you carried on no sale business at all?—I do not.

2117. You carry on no business, except the pawnbroking business then?—I have not what they call a private sale business, other than the sale by public auction; I only carry on one business, which is the pawnbroking business.

2118. Then I think you stated that the cost of working the small pledges in that business exceeded anything that you got for them?—Yes; if you confine them to 2 *s.* 6*d.*

2119. You stated also, did you not, that your business was one of the principal channels through which stolen things were found by the police in Glasgow?—Yes; I consider that we aid the police very much in that matter.

2120. You have put down no losses for that, have you?—I have lost 3 *l.* 19 *s.* I think, upon the last 12 months. It is all included in the business expenses.

2121. You lent upon that saw, which you have mentioned, did you not?—Yes; that was a considerable time ago.

2122. And you lost upon the saw?—I did not lose on that transaction, for this reason: that when it was inquired into, the officer was made to pay for it.

2123. As a rule, how much do you lose by the goods which you have to return to the police?—During the last 12 months, I have lost 3 *l.* 19 *s.* in that way.

2124. I do not see exactly where you make your profit out of the trade?—Out of the interest and ticket fees. It is the pledges above the smaller amounts that make the profit, if they are left. In the first transaction, they pay nothing, but if they are allowed to lie with me they pay.

2125. *Chairman.*] If a small pledge is deposited with you for a month only, do you gain by it?—No; in the second and third months, they begin to pay, as you will find if you divide by the number of pledges taken.

2126. Mr. *Montague Guest.*] Do you have a regular sale of your pledges over 10 *s.*?—Yes; and under 10 *s.*

2127. You carry out the Act in that respect?—Yes, regularly.

2128. Mr. *C. H. Mills.*] Do you include the loss which you sustain by the sales in the business expenses?—No. It was about 15 per cent.; but this last year things are improving, and the one has just balanced the other. Therefore, I sustained no loss upon that occasion.

2129. What is the lowest amount of pledge that pays?—The half-crown pledges begin to pay after lying two months. That all relates to the first transaction.

2130. Will not a half-crown pledge pay under two months?—It will not pay at the rate allowed for it just now. It is the frequency of the transaction which creates the expenses by rendering it necessary to keep up a staff to work it.

2131. You stated, did you not, that you thought that the shortening of the time for forfeiture, if it were carried out, would be in favour of the person pawning?—It would be much easier, I think.

2132. But if he has the money at the end of the six months, he can come and redeem the things then, can he not, and he need not wait the twelve months?—Clearly; we do not desire that he should wait the twelve months.

2133. But he has that power now, has he not?—He has that power now, but it is depriving him of that power that forces him to do it. In the case of a 2 *s.* 6 *d.* pledge, for instance, the pledger may have 3 *d.* when he has not 6 *d.*, and if it goes on to the year's end for 6 *d.*, with a depreciation of the goods in pledge, he will not care about lifting them.

2134. But

2134. But is he obliged to wait until the end of the year?—No. But there are a great many things which we will do if we must do them. The goods are of more value to the pledger if he will lift them at the end of six months, and they would be of more value to the pawnbroker.

2135. You think that, not being obliged to come to redeem the pledge, he does not redeem it?—Clearly. He knows that the law gives him that power.

2136. Mr. *Orr-Ewing.*] The pawnbrokers in Glasgow are under a local Act, the Police Act, are they not?—Yes.

2137. Has not every constable, or police officer, the power of inspecting your premises?—No.

2138. Are you acquainted with the Act?—Yes.

2139. Is not that the case?—It is not; there are officers set apart for that duty by the chief constable in Glasgow, and no other officer is allowed to inspect the premises, and even that is not the law; it is a detective officer's duty, but the detective officer can only come into my box and see my books, and he dare not come into my warehouse; that is another proceeding altogether, and he requires a search warrant for that purpose.

2140. You record everything that is pledged in your book, and he sees by that book whether the article of which he is in pursuit is there, does he not?—Yes; and advantage accrues to the public from that; the officer set apart for that duty understands the thing so thoroughly that he knows how to examine the book when a stranger does not.

2141. Are you very careful as to the property offered to you, in endeavouring to ascertain whether it is stolen or not?—I have made it a special duty.

2142. I suppose that you are more careful in doing so because of the power which the Glasgow police have?—I am very careful, and I believe every pawnbroker in Glasgow is careful, knowing the risk which he runs, the books being patent during 12 months to anybody who comes to examine them with an authority.

2143. Do you think that that is a wholesome system?—It certainly tends to answer that purpose very well, seeing that the books are patent.

2144. Do you think that it checks stolen property being pledged?—I believe so.

2145. You seem to think that it is a very great hardship that a watch which is stolen by a woman under peculiar circumstances, and pledged with you, should be treated as stolen property, is not that your view?—I do not think it is a hardship if it is stolen, but I want to know that it is stolen.

2146. Had you any evidence in the case of which you have spoken of the watch being parted with voluntarily?—I had in that particular case no evidence, but the man had none to produce beyond his own statement, which would not satisfy the sheriff.

2147. Do you think it likely that a man who gave his watch up voluntarily under such circumstances, would go to the police and immediately give information that the watch had been stolen?—It has very often been done.

2148. Do you know it of your own knowledge?—Yes, I know it of my own knowledge; and the reason why I give you the information in that way is that I defend all cases for our association where it can be shown to me that there is very good ground for it; if any fault can be found with the pawnbroker, I send him about his business at once, and have nothing to do with his case.

2149. Have you a great many stolen watches pledged with you under those circumstances?—The parties offering them to me must be in ignorance of how to dispose of them altogether, for a thief will know that the watch is liable to be picked up in a moment from a pawn office.

2150. How does the receiver of stolen property dispose of such property?—By immediately getting hold of it, and, if it is a watch, disconnecting the plate of it, and sending it off from the place altogether to be altered.

2151. Where does he send it to?—I could not tell you where they send them to, but they know where to send them to.

2152. I suppose they send them out of Glasgow?—They do; cases have been known of their being altered by men in Glasgow of that class; but no respectable man in the trade would do it.

2153. Is there a special trade of re-setters?—Clearly.

2154. Do they send property of that kind which is stolen in Glasgow, to other towns?—Plate, bearing initials, or anything of that kind, they send away.

2155. In those other towns may such stolen property be pledged?—Not pledged; it would go from Glasgow to Liverpool, and *vice versâ*.

2156. And to London?—Yes.

2157. Are the reports of stolen property sent constantly to you?—They are not sent to pawnbrokers; they are sent to the police office.

2158. Are they sent every week?—I will not say that they are sent every week; but I think that probably they may be gathered up for a week and then sent; or any special case is sent down; I think it is a general thing. I may state that I find in our police notices that it is included from beyond bounds, so that that shows that it is included in our notices and sent to us.

2159. If a policeman has no right to search your premises, is not a great facility afforded to the pawnbroker not to record the fact of the property being there?—I could not think of a case where it is not recorded in the pawnbroker's books.

2160. You think that the pawnbrokers conduct their business so straightforwardly?—I am positive of it; for I may state that I, as an individual, together with the association, would prosecute a man if he were found doing such a thing as is suggested.

2161. But do you not think that it is possible that if you had a black sheep in the trade he might do it?—I cannot speak as to what a black sheep might do; I am speaking of the honest men of the trade.

2162. But the honest men of the trade would not, I presume, have any objection to policemen searching their premises?—As the law is at present, I should decidedly object to an officer coming in to my office, and saying, "These goods belong to another party." I am not afraid of it if a legitimate use was made of it, but they might make a wrong use of it; and I can conceive some cases in which it would be radically wrong. I can suppose a case in which a small tradesman, such as a shoemaker, who was in the habit of pledging

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pledging a portion of his winter stock in the summer time, and *vice versâ*, might get a temporary loan to enable him to go and purchase a certain thing that he needed in his trade, whereas if he went and bought that thing on credit, he would have to pay a much larger amount than he has to pay to us.

2163. Have you much of that kind of business?—I have repeatedly had a considerable quantity of it.

2164. And still, notwithstanding that, you have not 10 per cent. of your trade below 2 *s.* 6 *d.*, and that your average is 3 *s.* 1 *d.*; you have a considerable trade in advancing money upon traders' stock?—The statement which the Committee have before them confines itself to this last year. The statement which I give now goes beyond that; I could not point you to any transactions of this kind within the last year, but I know it is the case in other pawn offices.

2165. You have told us an interesting story about costermongers who are in the habit of getting 5 *s.* for a day, and who come in with a profit of 2 *s.* or 2 *s.* 6 *d.*, what do you charge for that 5 *s.* for that one day?—One penny; that is the rule.

2166. What per-centage is that in a year?—In the year, in the working of the transaction, as I have already shown, that is included in the same category as the 6 *d.* parcel.

2167. Does it not amount to 30 *s.* 5 *d.* in the year?—Yes; but if you will suppose that there was one pledge taken in every day of the year, that transaction costs me a penny to take it.

2168. I am not speaking of the profit to you, but of the effect it has upon the person borrowing; do you think it is a healthy state of matters that people borrow money to carry on their business at an interest of 700 per cent.?—It clearly is, if they can make such a large amount as I have shown to you on a particular day.

2169. Would it not be much better that those poor women, by a little frugality and temperate conduct, should earn a capital of 5 *s.*, rather than trust to this false system?—I am sure I should have no objection to it.

2170. You seem to do business with a very respectable class of people, who do not use the money that you give them for drink at all; is that so?—So far as my own knowledge goes, that is so.

2171. I suppose that you have good reason to bewail the intemperate habits of the lower portion of the working classes of Scotland?—That there is intemperance in Scotland is undeniable; but I should be ashamed to make the statements which I have heard made here with regard to the intemperance of Scotland.

2172. You would rather like to uphold the character of your countrymen, I suppose?—I would not like to give it any false colouring.

2172*. But, notwithstanding the fact that the habits of the lower classes of Scotland are rather dissipated, you have the good fortune to deal with people whose habits are not so?—If a party offered me a pledge, the money for which I knew would be spent in drink, I would put him out of the house at once, and say, "I will have nothing to do with you."

2173. Instead of agreeing with the evidence which we have before us, you rather look upon your trade as of an elevating nature?—I would not like to have it so fearfully depressed as I have heard. I would like to have some charity in the matter.

2173*. Do you think that your business is of that description that it tends to improve the people who deal with you?—I can remember people who dealt with me a number of years ago, but who do not require to do so now at all. I do not know from what cause.

2174. You told us of a shoemaker who came and got money from you to make 12 pairs of boots, and perhaps got back half the money which was necessary to purchase the leather; how much money would it take to make 12 pairs of boots?—I think about 3 *s.* a pair for the leather; that would be 18 *s.* for the leather for six pairs. Then if he returned the boots to be made, the probability is that I can advance upon the workmanship as well as upon the leather.

2175. Does he bring the goods back to you to pledge?—Certainly.

2176. And where are they disposed of?—As I have explained, the shoemaker cannot go into the market with half-a-dozen pairs, if a dozen pairs have been ordered; and, probably, it is not their particular day of doing their business. There are certain days for doing that sort of work in those houses.

2177. If you could lay aside your position as a pawnbroker, and speak now as a member of society, do you think that that is a state of matters which really tends to the healthy existence of the people who so conduct their business?—I do think that it materially helps them on in the world to render them temporary assistance.

2178. Do you seriously think that that is a good system?—I do, indeed.

2179. You seem to think that business at half-a-crown is really an unprofitable part of the business if it only be continued for one month?—Very.

2180. What is the per-centage of all your pledges which are redeemed within one month?—With regard to the per-centage redeemed within one month, or sooner, I have not made up any statement.

2181. Is it not a fact that most of your articles are redeemed within one week?—It is not.

2182. Do not the costermongers redeem them in one day?—No, if you put them one with another. Some of our pays are monthly, and some of them are fortnightly, and in those cases the parties only come once a fortnight.

2183. Have you prepared statistics of your business for one week, two weeks, three weeks, and four weeks?—I have not.

2184. Is not a very large per-centage of your business redeemed within a month?—Yes.

2185. Seeing that this business is so unprofitable, instead of raising the rate upon those poor people, would you have any objection that the law should so provide that nothing should be pledged upon which a less sum than 2 *s.* 6 *d.* should be advanced?—For my own part I should have no objection; but I think it would be a hardship on the poor people to say that because they could not bring anything for a loan above that amount they should be deprived of a loan altogether. I think that would be driving them either to the poorhouse or to theft.

2186. Then is it in the interest of the poor people that you carry on your business?—No, I do not profess such a thing.

2187. Colonel *Beresford.*] I do not understand how you make out that it would be an advantage to

the people who pledge, to have the time limited six months; there is nothing to prevent a rson redeeming a pledge in six months, or at y period before the 12 months expires, is ere?—Certainly not.

2188. And those people who are disposed to deem in six months, may go and do it, may ey not?—They may.

2189. You spoke, did you not, about a different stem which went on previously to the estabhment of pawnbrokers' shops, where money is borrowed for a month, and then the person ho lent the money had the right to sell out and it, and to take whatever he got?—Clearly.

2190. You say that now a great deal less ofit is obtained in the trade than heretofore; to hat is that owing?—It is owing to the increase the staff required to work those very low edges.

2191. What rate do you charge now for your kets?—Half-penny for anything under 5 *s.* and to 10 *s.*

2192. I presume that a very large per-centage the tickets will come under that category, will ey not?—Yes.

2193. Do you yourself advocate the Irish rate, hich would be three halfpence a ticket?—I ink it would be advantageous; and I think that giving a little more remuneration to the pawnoker, you make the thing respectable, and you ithdraw from him the temptation of resorting to ything to increase his profits other than his gitimate trade.

2194. That would increase your income from e tickets, from 136 *l.* to very nearly the whole m which you got for interest, would it not?—would not make any difference upon the cket, but it would in the interest; I do not ask y advance upon the ticket; it is bringing in e florin where the difference comes in.

2195. Mr. *Plimsoll.*] It has been assumed by me (I think, very erroneously), that the money ised by pawning, is all for the most part spent drink. In regard to this, do you suppose that e mere pawning increases a person's income?—Not unless in those special cases which I have iven you of people raising temporary loans to se them in the way of trade,

2196. But mere pawning must diminish a erson's income by the expenses of the operation, ust it not?—Certainly, to that extent; but the uestion must be put in another light.

2197. Assuming that the person proposing to awn wanted the money for drinking, and that e could not pawn, would he not in that case ave to wait until he received the money with hich the pledge would otherwise have been reeemed before he could indulge himself?—According to former practice I think they would ell their things in such a case.

2198. Supposing that they did not sell them, n that case they would have to keep them, and ey would simply have, instead of the money redeem the pledge, more money to spend in e purposes which they proposed. If we must ssume that pawners, as a class, spend all they aise by pawning in drink, and if drink is bad, hen pawnbrokers are conservators of public orality, because they diminish by the amount f their charges the funds which would be otherise available for spending and drinking; is not hat a logical statement?—I do not agree with hat in the way in which it is put.

2199. Mr. Alderman *Carter.*] Are you not a magistrate of Glasgow?—Not of Glasgow.

2200. You are a county magistrate, are you not?—Yes.

2201. Do you agree with the witnesses that were examined from Glasgow, that the great majority of the pawnbrokers at Glasgow are respectable, decent men, and that with the exception of three or four, they are a respectable body of men?—I could not name four of whom I would say anything else than that they are respectable, decent men.

2202. Do you know how many pawnbrokers there are in Glasgow?—There are 116.

2203. Do you have periodical sales of pledges in Glasgow?—We have.

2204. Are you frequently applied to by parties who have pledged with you for the balance between the amount of their pledge and the amount which you have got on public sale?—During my 26 years of experience that has only occurred twice; and in one of the cases I ought to have got a compensation from the person applying, there being a loss upon the pledge.

2205. Mr. *Orr-Ewing.*] You stated, did you not, that women generally pledged the articles, and that men redeemed them?—I did not say that that was generally the case, but that at times that was the case.

2206. Do you not think that it is peculiar that women should pledge the articles, and that men should redeem them?—No; I think I gave the reason as being that the men were at their employment, and had often deputed their wives to do so; and, indeed, it is a custom which is perfectly well known between husband and wife.

2207. Do you think that it was not likely that the man did not know that the articles were pledged, and that on coming home on the Saturday night he found his Sunday clothes in pledge and wanted to get them out in order to go to church on the Sunday?—It may be the case, but I am not aware of it.

2208. Are you in favour of freedom of contract?—I am in favour of freedom of contract in regard to bulky articles. For instance, a chest of drawers may be offered to me, and supposing that 1 *l.* is asked from me upon it, I only get 2 *d.* for the ticket, and 4 *d.* interest for the entire month; and I have known a porter to be paid 1 *s.* for bringing it to the door.

2209. You do not pay that, do you?—No; I have in some cases obliged the party by taking such things in if I have had room, but if I have not room I cannot take them.

2210. But, as a general rule, would you approve of freedom of contract?—Only for bulky articles, such as a chest of drawers or a feather bed.

2211. Is it because of the expense of storage that you would approve of freedom of contract in such cases?—Storage runs away with all that could be got from such pledges.

2212. From the nature of your evidence as to the "wee pawns," before the Halfpenny Act came in, when you stated that the working classes were so much swindled by parties charging whatever they liked, I thought that you were decidedly against freedom of contract?—I have only said that I approve of it for bulky articles; I did not go any further.

2213. Would you state the number of cubic feet which you would put into an Act of Parliament?—I could not attempt to do so.

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2214. Mr. *Plimsoll.*] You would include perishable articles as well as bulky articles, I presume?—Certainly.

2215. Mr. Alderman *Carter.*] If I understand you correctly, you would have an ordinary rate as you have now, but for all articles which you could not take in the ordinary way you would wish to have power to make special contracts; is that your view?—Yes.

2216. You would not limit that in amount, or according to thebulk of the article, but things not taken in the ordinary way by pawnbrokers you would wish to be able to take by special contract?—Yes.

2217. Mr. *Orr-Ewing.*] Are you obliged to take every article which is proffered to you?—We are not obliged to do so; and I refuse sometimes.

2218. Therefore you do not suffer by the Act as it is?—But it is a very great hardship to both parties.

2219. Would you have any objection to obtain your license from the magistrates of Glasgow, or from the justices of the peace for the county, rather than from the Inland Revenue?—From my own experience as a magistrate, I should be decidedly against it.

2220. Have you been long a magistrate?—I have been for the last three years a bailie, and for about nine months I have been a justice of the peace in the county.

2221. A justice of the peace *ex officio*?—A justice of the peace *ex officio* for the last three years, and a county magistrate since the month of July last.

2222. In what county?—In the county of Bute.

2223. Have you no confidence in your brother justices?—No; I really think that the less to be done by that class of magistrates, as regards licensing publicans and the like, the better; such power should be taken from them; I have no confidence in them.

2224. Do you think that every one should get his license as a pawnbroker by applying to the Inland Revenue, if he pays the duty for it?—Yes; because the police have power over pawnbrokers if they offend against the Act; the only magistrate to whom I would confide in would be the stipendiary magistrate, which I think we ought to have in Glasgow, but would not give the power of granting licenses even to him.

2225. You would not leave it in the hands of the magistrates of Glasgow?—No.

2226. Mr. *Plimsoll.*] In relation to the number of pledges offered by women, an inference is attempted to be drawn that those women pledged the goods without any knowledge of their husbands; is not this rather the explanation, that the office of pledging being somewhat disagreeable, the husband being the stronger party, requests the wife to go?—The truth is that the husband has other duties to attend to, and he deputes it to his wife.

2227. And it is an error to infer that the wife is doing it without the husband's knowledge?—Clearly.

2228. Mr. Alderman *Carter.*] You have made some reference to special contracts; would you require that in all cases of special contracts the parties should be of age, say, 21 years of age?—Clearly.

Thursday, 30th June 1870.

MEMBERS PRESENT:

Mr. Richard Arkwright.	Mr. Morley.
Mr. Ayrton.	Mr. Orr Ewing.
Mr. Alderman Carter.	Mr. Whitwell.
Mr. Montague Guest.	

THE RIGHT HON. ACTON SMEE AYRTON, IN THE CHAIR.

WILLIAM NEILSON HANCOCK, Esq., LL.D., called in; and Examined.

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2229. WHAT is your vocation?—I am a Barter-at-Law and a Government official in Ireland.

2230. Have you directed your attention to the stem of pawnbroking in Ireland and England? Yes; I had occasion to do so at first in conction with a scientific inquiry many years ago, 1849, and I read a Paper on the subject at the itish Association for the Advancement of ience. In 1866 I was appointed by the Lord eutenant of Ireland to inquire into the pawnking laws in Ireland, and I made a Report n the subject, which has been presented to rliament.

2231. Can you refer the Committee to that port?—It was presented to Parliament in 1868.

2232. Is there some difference between the sh Pawnbrokers Acts and the English Pawnkers Acts?—Yes, the Irish Pawnbroking Acts re all passed by the Irish Parliament before Union.

2233. Do they remain in force?—They have ver been altered since that time.

2234. What do you consider is the proper ation to be preserved in pawnbroking as gards the general law of the land with refere to the charge for the use of money?—The wnbroking laws originally arose from an exption to the usury laws. At the time when usury laws were fully in force there was an ception made in favour of pawnbrokers. All usury laws have been repealed, and now wnbroking is the only remnant of the usury ws. I can explain that to the Committee in a y simple way by the two Acts of Parliament, Irish and the English Acts. If those Acts l happened to be differently worded the wnbrokers' trade would be perfectly free at s moment. In the 17th section of the 26th o. 3, c. 43, the Irish Pawnbroking Act ets this: "Provided that nothing contained this Act shall extend, or be construed to exd, to any person or persons whomsoever, who ll lend money to any person or persons upon vn or pledge, at the rate of 6 *l.* sterling per num interest, without taking any further or ater profit for the loan, or forbearance of such ney lent on any pretence whatever." That that time was the lawful rate of interest in land, and if the draftsman had only happened to insert, "shall lend at the lawful rate of interest of money and no further," then when the usury laws were repealed the pawnbroker's trade would have been perfectly free. There is an exactly similar provision in the English Act, 39 & 40 Geo. 3, c. 99, s. 30, "that nothing in this Act contained shall extend, or be construed to extend, to any person or persons whomsoever, who shall lend money to any person or persons whomsoever, upon pawn or pledge, at the rate of 5 *l.* per centum per annum interest, without taking any further or greater profit for the loan or forbearance of such money lent on any pretence whatsoever." Five per cent. was the English lawful rate of interest for money at that time, and if the equivalent words, "shall lend at the lawful rate of interest of money and no further" had happened to have been introduced, when the usury laws were repealed in 1850, the trade would have been perfectly free.

2235. What I understand you to mean is, that if the Clause had been in general terms, merely having reference to the then existing law, that law having been repealed, pawnbrokers would now be under the general law?—The policy of that law was a relaxation of the usury laws, not a regulation of the trade of pawning, because pawning was allowed to go on, provided the lawful rate of interest was charged; therefore it follows as a logical consequence from that, that when the trade in money was set free the pawnbrokers ought to have been set free.

2236. Have you, in the inquiries which you have made, formed any opinion as to the expediency of continuing the restriction or rate of charge upon pawnbroking?—I have formed a very strong opinion that the repeal of the usury laws ought to be made complete, and that the 4th section of the 17 & 18 Vict., c. 90, ought to be repealed, which exempts the trade of pawnbrokers; it is the only trade now subject to restriction as to the rate of interest of money.

2237. Then would you have no compulsory rate upon the pawnbroker at all?—No; but whilst I would have no compulsory rate, I would have an implied rate. Just as if money is lent without anything being said about it, there is in law an implied rate of interest, so I would have by Statute an implied remuneration for the pawnbroker if there was no actual contract; but I would

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would leave them free, just as other people are free, to vary the rate of interest by contract.

2238. You would have a statutory rate with liberty to the parties to make any contract they pleased?—Yes, just as in the case of the ordinary interest of money.

2239. Do you think that that would be beneficial to both parties; that is to say, to those who pledge goods as well as those who carry on the business of pawnbrokers?—I think it would.

2240. In what way do you think that it would work to their advantage in the end?—I think that the poorer people, on the whole, would get fairer terms, and more money and more convenient arrangements, and that the contracts, if worked out under a perfectly free system, would be better suited to both parties.

2241. Then would you rely upon competition to enable the parties to get the most they could and at the lowest rate of interest?—Yes, certainly.

2242. As if they were selling their commodities instead of pawning them?—Yes.

2243. Mr. Alderman *Carter.*] In fact, you would have no special rate of interest for pawnbrokers?—I would have an implied rate.

2244. *Chairman.*] Do you think that it would be necessary to make any further provision by law than to fix an implied rate?—I would have, as regards the time for which the pledge was received, an implied arrangement, subject again to be varied by contract between the parties.

2245. Do you think that the present statutory time works well, or that it would be desirable to alter it?—My inquiries led me to the conclusion that it would be desirable to alter it, and I recommended an alteration in it.

2246. Do you generally adhere to the views expressed by you in your report, or have you seen any reason to modify any of the opinions which you have expressed in that report?—No; I have obtained considerable further information in a private way since, by communicating with parties, and any information which I have had since has confirmed the opinions expressed in that report.

2247. Mr. *Orr-Ewing.*] Do you mean that you have derived further information from pawnbrokers?—Yes, pawnbrokers in Ireland.

2248. Are you connected with pawnbroking?—No.

2249. *Chairman.*] Is there anything which you would wish to add upon the subject of this report?—There is one fact which I might state in corroboration of the views which I put forward in 1850. I recommended the repeal of the usury laws for the benefit of the poorer classes in Ireland. At that time the usury laws were very strict, and there were charitable loan funds started for lending money, and I recommended that the usury laws should be repealed, in the conviction that the result would be that the poor would get money upon easier terms. The usury laws were repealed in 1850; in 1854 there were 115 charitable loan funds, and in 1868, they had diminished to 90; in 1854, the sum lent was 870,000 *l.*; in 1859 it had increased to 936,000 *l.*; and in 1868 it had fallen off to 581,000 *l.*; so that the result of the repeal of the usury laws has been that the necessity of those charitable institutions to lend to the poor has very much diminished. I infer from that, that money is supplied on easier terms by ordinary parties, and therefore that the repeal of the usury laws so far has been beneficial to the poor.

2250. Were those charitable loan fund institutions exempt from the usury laws, and were they regulated by Statute in Ireland?—They were; they were allowed to lend on certain terms different from the usury laws. It was supposed that it was necessary to have those charitable arrangements for the benefit of the poor, and I recommended that instead of having any charitable arrangements, the trade should be set free

2251. That law, I presume, had the effect of forcing the people into those societies, because private individuals could not compete with the societies?—They could not.

2252. Now, having repealed that law, do you think that private persons come into competition and really lend upon easier terms than the charitable societies did?—Yes; and therefore the result has been beneficial to the poor. I would mention one other circumstance which, I think, is corroborative of that. There was a Committee of the House of Commons in 1838, which recommended some regulation of the charges of pawnbrokers in Ireland. They recommended that the rate of charge which they now charge by statute, which is higher than the English rate, should be reduced. They did that upon the evidence of the supposed success of a charitable pawn establishment, called the Mont de Piété, conducted in Limerick, under the patronage of Sir Matthew Barrington. There ultimately came to be eight of those monts de piété in Ireland; and this Committee of the House of Commons recommended that the rate of interest should be reduced to about the scale of the English rate. However, in the result, it turned out that, after the Report was made, those monts de piété all failed so rapidly, that there was only one of them in existence in 1850, and that has long since ceased to exist; so that the grounds upon which the Committee of the House of Commons recommended that the Irish scale should be reduced turned out to be totally mistaken, because the institution was carried on by charitable gentlemen for that object, and at that rate, and it turned out wholly unsuccessful. The conclusion which I draw from that is, that it is unwise for Parliament to attempt to regulate any matter of this kind; and that all that Parliament can do is to prescribe an implied contract between the parties, the only safe guide being really the actual state of affairs.

2253. The rate was not, of course, reduced as recommended by that Committee?—No, the recommendations were not carried out; but the institutions which were carried on at the low rate, which a Committee of the House of Commons in 1838 recommended to be forced as a statute on Irish pawnbrokers, turned out in a few years total failures.

2254. Mr. *R. Arkwright.*] Have you any suggestion to offer as to what the implied rate of interest should be?—In Ireland I would recommend that you should start with the implied rate there, and in England at the existing rate as the implied rate, and then after a few years, when free contract had been established, some different rate which had been ascertained by experience to be the usual rate, it might be adopted as the new implied rate; it would be safer to start with the existing rate as the implied rate, and then at the end of a few years, when the new rate

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een established generally in the trade, you ight take that new rate as the implied rate.

2255. What would be your suggestion as to e implied time during which pledges should be deemable?—In a general way the same course ight be taken; I myself suggested that the ne should be reduced on the notion that Par- iment would go on regulating the matter, but e wisest plan would be to leave the time under e existing law as the implied time, and then at e end of four or five years when new contracts ere made, to a considerable extent it would be ry easily ascertained from what actually had ppened what was the most convenient arrange- nt, and then that might be taken as the im- ied time.

2256. Would you suggest anything with re- rd to goods of a perishable character?—I ould have no compulsory time; I think a change ght to be made; the easiest plan would be to rt with the existing arrangement as the implied ntract. You would see in a few years what riations took place, and you would take those riations as a guide, and then at the end of four five years you would have a new implied time; cause if Parliament adopt an implied time that plies a certain amount of sanction for it, and it better to do things upon experiment than to them upon opinion.

2257. Mr. *Whitwell.*] Can you inform the ommittee why it was that no change in the law ok place upon your report being presented to e executive?—I believe that it arose from the ct, that a great deal of Irish Legislation has en for the present stopped by the great im- rtance of the Church question of the last ession, and of the land question in this; the ect of those very large questions has been to op all small detailed legislation, because the ne of Parliament, and of everybody connected th the Government, has been so much taken with these large Irish questions.

2258. If the recommendations contained in ur report had been carried out, would not con- derable changes have taken place in the present w?—Yes.

2259. Do you see any reason why the law ould not be uniform, both in England and eland?—I think it is quite right, that as a strictive law it should be uniform, but as an plied law it might be different; for instance, e ordinary rate of interest in Ireland is 6 per nt., and it is 5 per cent. in England; in back- rd districts, or poorer districts, the implied ntracts may vary; the arrangement which ould cause the least disturbance in the trade in th countries, would be to start the Irish trade an implied contract, and to leave them to vary for themselves, and to start the English trade an implied contract, and not to force equality; en if it was found after some time that the con- acts were established under similar conditions, ere might be a uniform implied contract for the nited Kingdom.

2260. But seeing that if contracts were made ee, the market rate varies so much upon the te of interest actually obtained, is it worth hile making any difference between the English d the Irish trade?—I think it would be less sturbance to the trade to take as the basis in ch case the existing rate.

2261. But are you aware that the English wnbrokers wish to have the Irish rate intro- uced into England?—The English rate is clearly objectionable; if parties carrying on a trade allege that they are prevented from profitably carrying on their trade by a restriction, similar to the policy of the usury laws, they have a right to have that restriction repealed.

2262. Do you not think that the Irish rate is a better one for the pledgers?—The Irish rate suits Ireland, but I think that the best plan is not to prescribe a rate for England.

2263. In your report you recommend that there should be a difference in the time of keeping pledges to this extent, that jewellery should be kept for nine months, and other pledges for six months only; do you retain that opinion?—I was directed to inquire into the matter, and I examined the most skilled persons upon the subject, and I merely formed the best opinion I could upon it; but I think it would be the least disturbance, and the wisest plan for all parties, to start both the existing time and the rate of interest as an implied time and rate, and then to leave it to be gradually modified.

2264. But you proposed to legislate upon an implied time, did you not?—Certainly.

2265. Then, would you make a difference between jewellery and articles of clothing?—I think that the most experienced persons in the trade satisfied me that that was a wise arrangement. It is the one which most generally would be adopted if you left it free.

2266. You went very fully in your report into the question of who should sell the unredeemed pledges; in Ireland there is a person appointed to sell, is there not?—I found in Ireland that the plan of having officials appointed to sell, had wholly broken down; there are only four counties out of the 32 in Ireland wherein the office of appraiser is fully and completely carried out, and there are 11 counties without any appraisers at all; in Dublin the only effect of having officials to sell is, that the office is made a monopoly and a sinecure; there are deputies appointed, and they do not exercise any judgment or discretion in selling; so that I recommended that the system be abolished, and the English system adopted.

2267. Do you not think that it would be a protection, to the persons who pledged the goods if the goods were sold by an independent party not paid by the pawnbroker?—No; from the evidence which I got in Ireland, I believe that the system proves that it is no protection whatever to the party. What I believe would be a protection, would be to give a person pawning a cheap suit at the police court against the pawnbroker for any violation of contract; that is the only remedy, to make the police court a court for trying not only questions of wages but those petty questions of contract between the poor and those who contract, since sending the parties to a higher court amounts to a denial of justice.

2268. *Chairman.*] You recommend, do you not, "that the pawnbroker should be bound to give notice to the parties desiring it, by registered letter, specifying the day and the place of sale, and that the pawnbroker have power to charge for the cost of the letter"?—I made that recommendation only for the cases where the parties so desired it; there is an enactment in force in Ireland, where pledges are above a certain value, requiring that a notice shall be served in every case at the address given by the parties; the effect of that is to prevent people giving their address, and so the Act of Parliament breaks

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down. I suggest that a very simple plan would be, that, if the person pledging an article, the pawnbroker should not sell that article without giving notice.

2269. Do you think that it would be worth while to embody in a Statute, that a party pledging goods above a certain value should have power to require from the pawnbroker notice when he was about to sell?—I think it would, if notice at parties own expense, as it would meet a class of cases of persons being forced by distress to pledge articles they had a strong feeling about.

2270. Do you recommend also "that the power of searching pawnbrokers' shops without warrant, now exercised by detectives under general authority from the Commissioners of Police, be confirmed to them by statute"?—Yes. The way in which that question stands is this: in England there is no public prosecutor; in Scotland there is a complete public prosecutor; and in Ireland we have an intermediate system, which is partly under the English law and partly superseded by a special Irish law. The result is, that from the part of English law which prevails in Ireland there cannot be a search without a warrant from the magistrates. Nevertheless, the City of Dublin is under a very efficient Govern ment police, and the police do not wait for a war rant, but they make a contract with the pawn brokers that they shall carry on business beyon the hours prescribed by the law if they will giv the police a right to search. In Scotland th police have a right to search without a warran the police being recognised as public prosecuto If the system of public prosecutors is introduce into England it will follow, as a logical conse quence, that the officers of the public prosecuto will search without a magistrate's warrant.

2271. Mr. Alderman *Carter.*] I suppose th you understand the two rates charged, the En lish and the Irish rate; do you not think that th Irish rate is much easier to work?—I really d not go into that question. My notion is to leav it free, and the trade will find the rate whic works best for itself.

2272. The trade generally wish for the Iri rate, and I thought you might have consider that question, and might have been prepared give that opinion?—There has been no com plaint in answer to my inquiries of the Irish ra not working satisfactory in Ireland.

Mr Alfred Keeson, called in; and Examined.

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2273. *Chairman.*] Have you directed your attention much to the business and practice of pawnbroking?—In some measure I have done so, but I cannot pretend to answer any questions in reference to the practical details of pawnbroking, as I have never had any experience of the business.

2274. You are the editor of a newspaper, I think, in which articles are written upon the subject of pawnbroking?—I am.

2275. Have you directed your attention to the institutions called "Monts de Piété" in France?—Yes; I have had occasion to do so both through official documents, and from actual observation.

2276. Can you state to the Committee what are the characteristic differences between the system of monts de piété as compared with the English system of pawnbroking?—The mont de piété treats lending upon pawns as a measure of public charity, and seems to repress rather than to encourage it. Perhaps "repress" is too strong a term; but it does not seek business. The private dealer in England regards it as a simple trading operation, and, as such, admitting of every legitimate development. Besides that, I may say that the mont de piété is a monopoly; a charitable one, but still a monopoly; while in England the trade is left free to the enterprise of individuals.

2277. Do you mean that there is a law in France which prevents a private person advancing on small pledges?—Private persons have no right to deal in pledges. The mont de piété in Paris was reorganised in the time of the first Napoleon, and others in different towns of France have been established by the local municipal governments. Pledging is not open to private enterprise; the municipal government makes the necessary regulations.

2278. Do the municipal government undertake the whole of the responsibilities arising from carrying on the business?—No; they only give to a kind of committee, or body of directors, the power of making laws for carrying out the deta of the business. It authorises them to set up mont de piété, but leaves them to organise t details.

2279. Then does the municipality, after it h once sanctioned the establishment of a mont piété, exercise any supervision over it?—I belie it does.

2280. Then the committee is regarded as charitable committee?—It is.

2281. Will you state how the mont de pié carries on its business first as to the mode pledging and redemption?—It carries it on several ways; you may deal either directly wi the central establishment itself, or its two "su cursales" or principal subordinate offices, or y may deal with its licensed agents or commissio naires, or you may deal now of recent years wi what are called bureaux auxiliaires, which t mont de piété has itself opened in Paris. Orig nally, I fancy that there was but one centr establishment, but Paris being a large place, was, of course, very inconvenient to go to t central establishment, and consequently a numb of commissionnaires came into existence. I not think they were ever authorised by the mo de piété itself, but I think they set up on the own account in some way, and became legi mised by length of time and custom.

2282. Then, were they a species of agents? They were a species of agents, and they receiv pledges from the public, and conveyed them the mont de piété, where, in fact, they we through a curious process. You first of all pled the article with the commissionnaire, and he bound by the terms of his agreement to conv the pledge within 24 hours to the central esta lishment, where, he in fact, repledges it. I makes the advance himself out of his own till the borrower in the first instance; he takes t pledge to the mont de piété the next day and pledges it there; he gives, first of all, a pr visional ticket to the borrower, and then t pled

lge goes to the mont de piété; they, after re-ging it, give a fresh ticket; that the commis-naire takes back to his office, and the pledger within 10 days afterwards and exchanges provisional ticket for the official one.

283. I suppose those commissionnaires accept the responsibility of valuing the goods taken ledge?—Yes; the commissionnaire values the le first according to his own judgment, and etween him and the pledger that valuation ds; but when he goes to the mont de piété e is a fresh valuation, and if the mont de values the pledge at a lower sum than he lent, then it only readvances to him the ller amount; but the excess which he has ad-ed to the pledger still remains as between and the pledger, and he is allowed to charge half per cent. per month interest for it. In way I believe the commissionnaires lend out large capitals of their own, over and above what get from the central institution; and in that there is a kind of competition created, some-g like what exists among the English pawn-ers. The total excess lent by the commis-aires, in 1869, over the loans of the mont de é, was 629,586 francs. The commissionnaires l to lend much more on a pledge than the ral establishment would do, and consequently got a great deal of custom. But they are doing only about one-fourth of the business used to do before the bureaux auxiliares n to be established.

284. How would the commissionnaire secure surplus advanced; was there anything to ent the borrower from going direct to the t de piété and redeeming his pledge?—There nothing to prevent the borrower going to the t de piété direct and redeeming his pledge, a record of that excess advance would be ined there, and it would be charged to the ger and carried to the commissionaire's ac-nt.

285. They would not, therefore, allow the on to redeem his goods and take them away ss he paid the additional advance of the com-ionaire?—The commissionaire's advance is oned as part of the debt. Although the ower owes it to the commissionaire, and not the establishment, still the establishment ld require him to pay both before he could em.

286. Then they would keep an account cur-with each commissionaire, I presume?—y do; all the transactions are, I suppose, red in an account between them in that .

287. That led, I presume, to a very consi-able business being carried on?—Many of the missionaires do a very large business; there ne of them now who lends larger sums than mont de piété itself. The chief office only during the last year upon 81,408 pledges for 0,000 francs, being an average of 52 francs ; but M. Michelet, who is commissionaire ne Chaussée d'Antin district, lent upon 18,108 lges 1,837,824 francs, an average of 101 cs. That was double the average lent by central establishment. I suppose it is rather extravagant neighbourhood, and people go to because he will lend liberally.

288. Is the valuation made very carefully by officer?—Yes; in the mont de piété the luation is not made by their own servant but a person who is called a commissaire priseur. He is one of the corporation of appraisers of the department of the Seine, and whenever a commissaire priseur is required, the corporation nominates three of their own body, and those three names are sent up to the Prefet of the Seine to select from; one of the three is appointed to the duty, and then he acts between the establishment and the borrowers.

2289. Then is he always in the establishment?—He is always there; there are a number of them there.

2290. Does he receive any remuneration?—Yes, he is allowed one-half per cent. on the loan for his valuation fee, and out of that he is bound to make good any deficiency that may arise through an error of judgment of his own. If he values a thing too highly, and it sells for less, he has to make good the deficiency.

2291. Are any inquiries instituted with parties who come to pledge goods?—Yes. I have pledged, by way of testing the different systems, both at the principal establishment and the commissionaires, but I have never pledged at the bureaux auxiliaires; they are too recent an invention for my experience. First of all, in the central establishment there are a number of divisions; it is like a combination of a dozen pawnbroking offices, each one working independently of the other, and being distinguished by a number, and the whole transaction is carried through in each of those separate divisions. The division is sub-divided into sections; there is a pawning office to No. 1, a redeeming office to No. 1, a cashier's office to No. 1, and a delivery office to No. 1. Each branch of the establishment has its own set of offices, and there are, I think, some six or eight in the principal building.

2292. So that the business of each compartment (if I may so say) is carried on quite separately under one number?—Yes, except that the warehouse is common to them all.

2293. What questions are asked when a person goes to make a pledge?—To facilitate our operations, a gentleman who was with me pledged his watch. We first of all went up to the pledge counter, which we approached through a series of barriers put up to prevent any kind of crowding, so that the applicants came up singly to a sort of window at which the commissaire priseur sat, and when their business was transacted they passed through a side barrier into another section. We were, with very great courtesy, admitted behind the scenes, that we might watch the working all through. The commissaire priseur saw our watch, and valued it; after that we left his office and went into a kind of registry office, where the owner was submitted to a series of questions as to ownership. In regard to this, whenever the loan is of more than 10 francs the owner has to produce documents in support of his identity. This is the rule with articles of ordinary use, but, according to law, in the case of new goods or new merchandise the passport or papers of the pawner, and his trade licence, must be produced; and not only that, but the pawner must be accompanied by a resident dealer of the same class as himself in the city of Paris who is properly licensed, to come forward and support his identity. That is, of course, intended as a check against taking stolen goods, and also to insure that the names given shall be the genuine ones. In the event of the owner not complying with those requirements, the mont de piété would detain the property until

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until such time as he did comply; but articles below 10 francs are, I believe, taken without most of those precautions, provided they are obviously the property of the person pledging them.

2294. Or provided they are suitable to the condition of the person offering them?—Yes; those particulars having been entered in a book, the pledger is required to sign it, which is a very material distinction between the operation of pawning in Paris and in London. The entries are made in a book, and the pledger signs that book in the margin. On the occasion to which I have referred, a note for 100 francs (the amount of the loan) was then handed to us, together with the pawn ticket of the establishment.

2295. I suppose they have very large and commodious warehouses?—Yes, the building is larger I dare say than the General Post Office in St. Martin's-le-Grand. It is a kind of parallelogram, divided in the centre by a cross range of buildings. It has five floors; the ground floor is occupied by the offices in which the public have their dealings. It employs above 300 persons.

2296. What voucher is given by the person pledging?—It is very different from the English ticket. I have here one for the present month, which was kindly sent to me by M. Ledieu, the director of the establishment. (*The same was handed in*, see *Appendix*.) It not only contains all the entries connected with the pledge, but full directions as to the times of transacting business, the rate of interest, the repayment of overplus, and in fact, all that the pledger can possibly want to know in regard to his pledge. The ticket also contains a number of compartments, on which the particulars of each branch of the transaction are entered, such as the charges upon redemption; or if it is forfeited or sold and he calls afterwards to inquire touching the overplus, a statement is made on the ticket giving all those particulars.

2297. Is there a counterfoil kept of that?—There is a small counterfoil, not containing all those particulars but containing all which would be necessary for identification; there is one peculiarity about the ticket which I should like to mention, and which constitutes a very important distinction between the French and the English systems; they do not put the name and address of the pledger on the ticket, that is entered in the books, but it is treated as a confidential matter between the establishment and the borrower; therefore if he loses the ticket the finder gets no clue to his necessities, neither can the finder make any use of that ticket, because if he went to redeem the goods he would be asked questions as to ownership, which he could not answer.

2298. As in the case of one of our post office orders the verification consists in your being able to give the right name and address?—Yes.

2299. Do they consider that the ticket is available for the bearer of it if he gives the right name and address, or must the true owner come?—I apprehend that if the person offering the ticket could answer the questions put to him he would be deemed the owner, but I cannot speak from any experience as to that.

2300. Do you think there is any advantage in having so large a ticket as compared with the English ticket?—By no means; I think that a ticket less than one-eighth that size would contain all that it is absolutely necessary to know; in fact very little indeed is required; you have seen the English pawn tickets which answer all practical purposes.

2301. Does it occur to you that much that is in that ticket is due to the fact of the business being carried on like a public establishment, and requiring therefore more vouching than a private business would require?—Undoubtedly, they have a system of check in the establishment which that, I suppose, is partly designed to work in with; in fact there is a complete series of check in each branch of the establishment, so that if anything goes wrong they see whose fault it is; each servant of the establishment is bound to deposit security in cash with the establishment, upon which he is allowed interest, and if any losses occur through error of his, through misdelivery of a pledge or anything of that kind, the amount is taken from his deposit and he has to make it up again.

2302. Do you know whether when a person comes to redeem they take any note of his identity in their book?—Simply that of asking him his name.

2303. Will you proceed with your narrative of the procedure at the mont de piété?—Then having applied to redeem the watch we gave up the original pawn ticket, and instead of it we recevied a small statement of the amount due from us to the mont de piété, which we took into the office of the cashier, where we paid him what was due, and he gave us another order upon the warehouse-keeper. We took that into the large delivery hall belonging to our division, where we gave in our order and in due time received back the watch. The delivery hall was a very large place, twice the size of this room, with a large window at the end of it, and benches are put liberally about the room for the pawners to sit upon while waiting to receive their goods.

2304. Do they come to a counter to receive their goods?—No, to the window.

2305. Are they exposed to the observation of each other?—The redeemers are all exposed to the observation of each other.

2306. Are the pledgers so exposed also?—The would be a little.

2307. There is none of the privacy which observed in an English pawnbroker's shop with compartments or boxes?—No.

2308. Do you know the limit of the operation of the mont de piété as to how much the minimum and maximum of their advances are?—There no maximum limit; but the minimum is three francs, and they do not particularly care, I believe about lending so little as that.

2309. What is the rate of interest charged for the loans?—The rate charged in the French mont de piété depends upon themselves. There is a law applying to the whole country; but each those separate institutions organises its own rule and charges its own rates, and they vary very materially. I may say that they vary from 4 per cent. in some cases to 15 per cent. in others, different towns in France. Some of them lend gratuitously, and make it perfectly a scheme of charity; and others lend at a very low rate of interest, but charge comparatively large fees in the first instance to cover their working. The rate charged by the mont de piété of Paris is 9 per cent. per annum, or three-quarters per cent. per month. It is estimated upon the principle of 6 per cent. for money lent, and 3 per cent. to cover costs of working

working. The calculation of interest is made upon the same footing as in England, viz., by half months after the first month.

2310. What are the charges with which they supplement the rate of interest?—The only charge is that of the one-half per cent. for the valuation, except in the case of the commissionaires; there is nothing beyond that one-half per cent. in the chief establishment, nor yet in the bureaux auxiliares; but you will see on the pawn ticket of the mont de piété that it reserves to itself the power to charge a higher rate under certain exceptional circumstances; that applies, I believe, to cases in which there is great pressure in the money market and a great demand upon the funds of the institution, and it has to go into the money market to borrow at a high rate of interest, to lend again to the pledger. In such cases it can recoup itself, by charging him an extra half per cent. upon the loan, but that is a thing which is scarcely ever done; it is only used as a sort of safety valve in very exceptional times.

2311. How long does it take to get all this business of pledging transacted?—The officer of the mont de piété, who was kind enough to be our guide on that occasion, told us, with some degree of complacency, that if everything went well, a pledge might be worked through in the space of a quarter of an hour, but I should think myself that it would take nearly half an hour.

2312. How long would it take to redeem a pledge?—The time named would include the whole proceeding.

2313. Would it take seven minutes to take a pledge and seven minutes to redeem it?—It might take about ten minutes to pledge the article and about the same to redeem it; the pledging was the longer operation, I think. I have compared that rate of progress with the operations of an English pawnbroker; after my return I timed the movements of a London pawnbroker, and found that the pledging there occupied about two minutes, and that the redemption could be accomplished in from half a minute to two minutes and a half, according to the nature of the article.

2314. Do you know at all what is the practical maximum in the mont de piété for advances?—None whatever.

2315. But up to what amount do they practically grant a loan?—Up to any amount you please, I believe; I do not know what is the practical limit; I did not inquire that. But from official statements, I find that 81 per cent. of the loans ranged from 3 francs to 20 francs; 12 per cent. were from 21 francs to 50 francs; seven per cent. were from 50 francs upwards. I see from more elaborate tables, that the mont de piété had in one year 703 pledges from 500 francs to 1,000 francs; 474 from 1,000 francs to 5,000 francs, and 36 above this latter amount. The mont de piété, I may say, has charged much higher rates of interest under exceptional circumstances; at one time, in the Great Revolution, it charged as much as 5 per cent. per month.

2316. What was the object of the establishment of the commissionnaires?—They were established in different parts of Paris to afford local facilities. Originally the number was 23, but now it is very considerably reduced by the operation of the auxiliary bureaux.

2317. Have those auxiliary bureaux, in fact, taken the place of the commissionnaires?—To a great extent, and they do business on the same terms as the mont de piété. They are branch monts de piété. They were not all founded at once, but established from time to time; four were opened during the last year. They now number 24, and are distinguished by the letters of the alphabet. The process of pledging with a commissionnaire is very much like that of pledging with an English pawnbroker. It is very simple, occupying but comparatively little time. The same questions were asked as at the chief establishment. I had to produce my passport in order to prove my identity; the whole transaction took place in one office, with one person, and only occupied a few minutes. The pawn ticket given me was, of course, a provisional one, as I have explained before. The redemption would have to be performed by going to the commissionnaire one day, paying him the amount, and giving him the ticket. He goes the next morning to the mont de piété and redeems the article, and brings it to his office, and restores it to the pledger.

2318. Then, I suppose, the privacy and rapidity of the operation with the commissionnaire would tend very much to throw the business into his hands, as compared with going to the central offices?—Very much indeed; not only would he, in all probability, be very much nearer to where the pledger resides, but his office is open at all hours of the day. The mont de piété has official hours; I believe, from nine o'clock to four o'clock for pledging, and from nine o'clock to two o'clock for redeeming, renewing, and paying overplus.

2319. What is the profit of the commissionnaire?—The commissionnaire has 2 per cent. upon the pawning and one per cent. upon the redemption; or, if the article is forfeited and sold, and he goes to negotiate the recovery of the overplus, then he receives one per cent. on the overplus for his trouble.

2320. Then for his surplus advances you have stated that if he makes any he charges one-half per cent. per month interest, or six per cent. per annum?—The principal institution charges nine per cent. upon its loan, and he is allowed to charge six per cent. upon the excess.

2321. That would be only at the rate of six per cent. per annum, would it?—That is all; and he finds it to his advantage to invest a large amount of capital in that way, because of the three per cent. commission which it brings him upon the pawning and redemption. He attracts custom to himself by lending, as you may say, at a loss in interest, in order to get the two per cent. and the one per cent. commission. As an illustration, I will say, that when we pledged our watch in the mont de piété, we, on being shown over the building, went into the room where the commissionnaires transact their dealings with the establishment; and one of them, on being shown our watch, told us that he would have lent 20 francs more upon it than the establishment lent us. They lent us 100 francs; he would have lent us 120 francs.

2322. Then he would have had three per cent. upon the whole transaction, would he not?—He would have had three per cent. upon the whole transaction. That is a very heavy charge in comparison with the English pawnbroker's rate, and makes pledging much more expensive through a commissionnaire in Paris, for a short date, than in London; although for a long date it comes less expensive with a commissionnaire, and decidedly

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cidedly less expensive with the mont de piété in all cases.

2323. The period for which the party pledging is entitled to continue the loan is fixed, I think?—It is 12 months. If he wants to renew he can do so at any time during the thirteenth month. The renewal is a complete fresh pledging; the article has to be re-valued, and if it has deteriorated in the meanwhile he has to make up the deficiency to the establishment.

2324. Did you find out what was practically the average period for which goods were pledged?—I did not; I could easily ascertain that, but I should think, speaking from memory, that it would average about eight or nine months.

2325. From that we may infer, I presume, that it is not much the practice in Paris to take up loans for short periods?—No; I should think they must average from seven to nine months. I judge of that by the way in which capital is turned over in their annual balance-sheet, which shows that nearly two-thirds of the year must be about the average time that the pledge would lie.

2326. They do not succeed in turning their capital once in the year?—About once and a-half; the precise figures are as follows: on the 31st December 1869, there were in the warehouse 1,422,676 articles, upon which 33,612,001 francs had been lent. The total money lent in the year was 48,923,547 francs. They do not seek to make a business of pawnbroking at all, but they merely receive it coldly, you may say as an act of charity; they do not appear to invite it. I may say that the establishment of 24 auxiliary bureaux since 1856 has cut down, not only the number of commissionnaires, but has very much reduced the amount of their business; they are now reduced to 14 in number. Before 1856, they used to do about 75 per cent. of the pledging, and that is reduced now to about 22 per cent.

2327. Have the auxiliary bureaux the same valuation as the principal bureau?—Yes.

2328. Do they value the pledge in the auxiliary bureau, or do they send it up to the head bureau for valuation?—I cannot say; I have not investigated that, it is a comparatively modern institution; I believe that the mont de piété is not on very good terms with its commissionnaires, and never has been; and it has been always endeavouring to get quit of them. The bureaux auxiliaries keep open from 9 a.m. to 8 p.m.

2329. Do you know what has been the average amount of the loans?—The average amount of loans in the mont de piété of Paris in 1869 was 20 francs 59 centimes.

2330. Is it increasing or diminishing?—It is decidedly increasing; in the year 1850 the average was 17 francs, and now it has increased to 20 francs 59 centimes.

2331. Can you tell us the average of any other place besides Paris?—Yes; I derive that from a report made by M. Watteville to the Minister of the Interior. At Marseilles, the average for the year 1850 was 31 francs 48 centimes; at Lyons, 14 francs 19 centimes; at Bordeaux, 17 francs 75 centimes; at Lille, 5 francs 64 centimes; at Strasbourg, 7 francs; at Metz, 9 francs 38 centimes; and Bergues, 4 francs 75 centimes. I selected these as doing the largest trade of any of the French establishments, but they really do not do much according to English notions. The largest of them, I think, does not do above 60,000 to 70,000 pledges a year, and most of the French monts de piété do much less.

2332. Were you able to ascertain the expense of conducting the monts de piété?—Yes; in the report of M. Watteville in 1850, the cost of each pledge at Paris was about 95 centimes; at Marseilles, it was 1 franc 37 centimes; at Lyons, 49 centimes; at Bordeaux, 55 centimes; at Lille, 32 centimes; at Strasbourg, 34 centimes; at Metz, 39 centimes; and at Bergues, 18 centimes. By the report of the Paris mont de piété for 1869, I find that the cost has increased to 1 franc 30 centimes; but I daresay a good deal of that increase is owing to having to support the bureaux auxiliaires.

2333. Would it not appear from that, that the system could not pay unless the amount of the pledges were so high and for so long a period as you have stated?—Certainly; it would be ruinous if worked on the English principle. Their capital would all be eaten up in a very few months in expenses. According to the estimate of M. Blaize, pledges for less than 15 francs did not generally yield a profit during the time the mont de piété was under his direction.

2334. Therefore it would seem to be quite inapplicable to the business of pawnbrokers as carried on in England?—They are widely different in that respect. The average amount of loans throughout France in 1850, was 16 francs and 86 centimes; and the average cost per pledge was 1 franc 3 centimes. The average amount of the loans in Paris last year was 20 francs 59 centimes; the average cost per pledge was 1 franc 30 centimes; and the average receipt on each pledge was 1 franc 55 centimes; 25 centimes being the profit on each pledge.

2335. Is there any difference between the Belgian system and the French system with reference to the monts de piété?—There is a difference, but it is not very material. The outline of the system is the same nearly all over the continent, but the rates of interest vary very much more in Belgium than in France. I cannot now give you the particulars, but the range throughout Belgium is from 6 per cent. in some places to 24 per cent. in others.

2336. Do you know whether the time for redemption is the same?—I believe it is the same.

2337. Do you know what is the law in France as to the recovery of stolen property from the mont de piété?—Yes; the mont de piété gives stolen property up to the owner only upon repayment to itself of the money lent and interest, and this only after the claimant has proved his legal right to the property.

2238. That is by getting a conviction of the thief, or some other legal process?—Or by otherwise proving to the satisfaction of the officers of the mont de piété that it is the claimant's property.

2339. In that respect does the law of France correspond with the law of Belgium?—There is a slight difference in Belgium. There the loan and interest must be repaid unless the establishment takes in the goods within six months after receiving notice of the theft. In that case it loses both principal and interest. At Leipsig nearly the same rule obtains. At Amsterdam principal and interest have to be paid, but interest ceases to accrue after notice of the theft is given by the owner. At Berlin, St. Petersburg, and Moscow, and generally throughout the continent, principal and interest must be paid.

2340. They

2340. They are protected against theft or dishonesty, just as a person who gives a bill of exchange in this country is protected, are they not?—Just so. The law supposes that they do the best that they can do to insure that the goods are deposited with them in good faith.

2341. Does not that result from the fact that they are not carrying on business for a profit, but for a supposed public exigency?—I have no doubt that that is the reason of it.

2342. Does the rule in Paris which you have mentioned, as to the minimum advance, extend generally to the monts de piété throughout France?—Yes; and all over the continent, you may say. In France some of the monts de piété are purely charitable, and will lend a very small sum; but, as a rule, about 2 *s.* or 2 *s.* 6 *d.* is the minimum nearly everywhere, except in the case of Amsterdam, where they have a very peculiar system of small pledging, somewhat similar to that of our leaving-shops, but differing in this, that it is regulated by law, while the English leaving-shop violates the law and exists in defiance of it.

2343. Did you inquire whether in Paris there is ever any loss on the sale of the goods?—If there is a loss it has to be made good by the commissaire-priseur out of his fee, so that the mont de piété never suffers a loss upon his transactions. The sales are made publicly by the commissaire-priseur; the number of sales last year was 162,254, realising about 2,500,000 francs. If a loss should arise by the wrong delivery of a pledge, I apprehend that the servant who gives it out has to make good the deficiency, while to the pledger the amount of the valuation of the commissaire-priseur, with an increase of one-fourth upon that estimate as indemnity, is given as a compensation.

2344. What is done with the overplus, if any arises, upon the sale of the goods?—That, of course, is open to be reclaimed by the pledger; and if he does not reclaim, it goes to the general profits of the establishment, and at the end of the year is handed over to the hospitals.

2345. Did you ascertain whether there was much surplus upon the sales, and, if so, what the amount was?—The amount of profit handed over to the hospitals on last year's trading was 784,737 francs, or about 30,000*l.* But the mont de piété, being a Government establishment, pays neither rent nor taxes; while it is only fair to mention that the London pawnbrokers, besides other taxes, pay a heavy license duty of something like 9,000*l.* a year to the Government, which I take to be something of a set-off against the charity to the hospitals.

2346. Is the house found free by the municipality?—I believe it is; at least I see in their balance-sheet no mention of any rent being paid, nor of any taxes being paid.

2347. Do you know how much of the surplus arose from the profit on the sale of goods?—I cannot state that.

2348. Did you ascertain whether the goods were generally redeemed or whether they were left to be sold?—The greater portion of them were redeemed. The proportion of sales or forfeitures taken over a period of nine years ending with 1867 would be as follows: The forfeiture of pledges received directly at the head establishment was 6·36 per cent.; the forfeiture of pledges received by commissionnaires was at a higher rate, being 7·65 per cent. The average would be between those two numbers. The commissionnaires lend more, I expect, and consequently the things are not so well worth redeeming, and they are thrown in greater proportion upon the hands of the mont de piété.

2349. Do you know whether the loans are often renewed upon the pledges?—Yes, very frequently.

2350. Have you any knowledge as to the per-centage of renewals?—I cannot give you the per-centage, but I can give you the total amounts. The pledgings in the last year were 2,206,596, and out of these the renewals were 534,360, or more than one-fourth.

2351. Are the loans renewed more than once?—Yes. When we went over the warehouse of the mont de piété, we were shown one parcel which had been there 17 years. The practice is, there, to put the new pawn ticket upon the top of the old one, tying it on to the parcel, and there were 17 papers tied on this, making quite a bundle; but I was told that there was one parcel somewhere in the warehouse which had been there for 30 years, and had been renewed every year.

2352. What would generally be the character of the articles which would be thus pledged and renewed?—I do not know; all articles, I suppose, would be liable to renewal.

2353. Is there any limit regulating the age at which people are allowed to pledge?—Yes; I grather that chiefly from the regulations of the mont de piété as regards the commissionnaires; but I infer from the manner in which those regulations are worded, that they apply also to the chief establishment, and they certainly apply to the auxiliary bureaux. They are forbidden to receive pledges from minors, unless by written authority from their parents or guardians. They are also forbidden to receive pledges from married women without the authority of their husbands. There is the special distinction—married women living under the guardianship of their husbands. Under a separation, I suppose, a married woman would have a right to pledge. They are also forbidden to receive pledges from domestic servants without the authority of their masters; from clerks and shopmen without that of their employers, always excepting that the articles are such as appear obviously for their own personal use; and if a parent, husband, or employer desires to send his children or servants to pledge, he must make a declaration to that effect in a book kept by the commissionnaires. The same rule appears to apply to the head office and, of course, to the bureaux auxiliaires. In the mont de piété itself no person is allowed to be employed under 18 years of age in the warehouses, or under 20 in the offices.

2354. How do they inform themselves of the fact that the person is married or otherwise?—I think that nearly every foreigner carries papers showing his identity, and he or she would be required to produce them.

2355. Do you know what proceeding is adopted in France if the pledger loses his pawn ticket?—Yes; he has to make a declaration of the loss before the director of the mont de piété, unless the article is above 100 fr. value, and then he has to make it before a notary public. A note of this declaration is entered upon the register, on the margin of the entries relative to the pawning. But the pawner is not allowed to redeem until the end of the year, when he is bound to give a special receipt for it, and security against any other claim. It seems a very great hardship to hold it until the end of the year.

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2356. I suppose that is to protect the establishment, and also any person who may hold that ticket?—That is for the protection of the establishment and of any person who may hold the ticket. By that means they secure themselves; but it is at the expense, in some measure, of the loser's comfort.

2357. But they also protect a third party against any imposition, I suppose?—They do; but it is a question whether the hardship would not be greater than the advantage derived from that arrangement.

2358. Has any system grown up in Paris, like that which we are informed has grown up in this country, of having illicit pawn shops?—I believe so. The gentleman who guided us round the mont de piété was very communicative upon all matters, and I asked him that question, and he admitted that there were such places, but he did not seem at all inclined to go into the subject, and so I could not very well press it upon him; but I have read of such things in the public prints, and he admitted at once that there was an illicit system of pawnbroking similar to our leaving-shops. With a minimum limit of three francs for their loans, there must necessarily be such a system, I should think.

2359. Had you any opportunity of informing yourself what was the cause of the average of the pawns being so high in Paris?—No, I do not know any cause for it.

2360. Did you observe at any of the places that the class of people who were pawning were above the class of ordinary workmen?—No doubt of it. In Paris we saw magnificent things. We were shown one room where there were 8,000 clocks, many of them fine specimens of Paris manufacture; beautiful articles, of great value I should think.

2361. Is it your opinion that the mont de piété, after all, does not reach the lowest class of the community?—I should think it did not in their smaller necessities, or not to any great extent.

2362. It would only go to the class above the workmen, would it not?—To some extent; but it relieves the workman also.

2363. But as the average is so great, it would seem rather to pass over his head and to suit the convenience of the class above him?—According to a table prepared by M. Blaize, former director of the mont de piété of Paris, the following are the proportions for 1852: of 1,000 pledges, 112 would be from merchants, manufacturers, and small tradesmen; 84 would be from rentiers and proprietaires; 31 from the liberal professions; 39 from employés; military men, 4; and from workmen and labourers, 730. But in the amount of money lent, 36½ per cent. went to the first class, and 35 per cent. to the last. In the report of M. Watteville to the minister of the interior, returns under this head are given by more than half the provincial monts de piétés of France. According to them, 152,776 advances were made to merchants, &c.; 909,993 to working men; and 120,459 to other classes.

2364. Did you observe much personal clothing of an inferior kind?—The warehouses were full of clothing. There were two floors, I think, filled with clothing. One floor was filled with jewellery and watches; the second and third floors were full of clothing; and the top floor contained bedding.

2365. But did you observe whether the clothing was the common coarse clothing of the people, or whether it was of a better kind?—It was impossible to say; it was packed up in wrappers or bundles, chiefly.

2366. Have you informed yourself at all as to the Dutch system of pawnbroking?—Yes. In Amsterdam there is a double system of pawnbroking at work. The higher one is a kind of compromise between the English and French systems, and the lower one is altogether unique; I have never seen or read of anything like it elsewhere.

2367. Will you explain the difference between the systems?—Both are under the direction of a corporation called the "Great Lending Bank" of the city, which does not deal directly with the public at all, but farms the privilege of doing so to its licensed agents, like commissionnaires. All pledges deposited with the ordinary lending banks, that is the offices of those commissionnaires, have, however, to be brought into the warehouses of the Great Lending Bank, and are stored there.

2368. What is the minimum of their transactions?—The minimum of their transactions is one florin or one guilder, I am not sure which exactly, or whether there is any difference between the two.

2369. What is the other system?—In the "small pawnhouses," as they are called, the maximum loan permitted is equal to about 2*s.* or 2*s.* 6*d.* They are not allowed to go above that.

2370. What is the limit of their profits?—Their profits are not in the form of interest upon the loan, but in the way of per-centage upon the amount. That per-centage varies a little according to the loan. It may be roughly stated at from seven to nine per cent., the latter being charged upon the smallest loans.

2371. That is without reference to time?—Without reference to time. The contract is for three months, and the commission paid at the outset covers the whole period.

2372. Then what right of renewal is there at the end of three months?—Although they are forfeited at the end of three months, the articles must not be sold for another month, and during this month the owner may renew the contract by paying a fresh fee. He may also redeem in this fourth month upon paying a double fee.

2373. What is done with the pledges if they are not redeemed?—If the pledge is not redeemed or renewed it becomes the property of the dealer, who disposes of it in any manner he pleases, and is not bound to furnish any account of it to the pledger; it is like our system, under 10*s.*

2374. Is there any system of booking or accounting for those pledges?—Yes; their system of booking is reduced to a minimum in those cases. The small pawnbroker puts down only the date, a consecutive number, a description of the article, and the amount lent. He does not put the name of the owner; upon redemption he enters the date of that also, and if it is not redeemed, he merely puts a tick in the margin to indicate that it is forfeited.

2375. Does he give any duplicate?—He gives a pawn ticket, and a very curious one it is. (See *Appendix.*)

2376. Then the ticket does not disclose any name?—No name at all.

2377. Is the name entered by the pawnbroker in his book?—No, he does not take any name at all. In this small system they do not think it worth while, I suppose. They neglect many of the regulations of the greater system of lending; they make very short work of it.

2378. Does

2378. Does the greater system follow the usual course?—The greater system follows the usual course.

2379. Do they in the duplicate put in any name?—Yes, they (the greater banks) follow the regular course, and put the name of the borrower. I have not brought a facsimile of that with me, but generally it is much in the usual form; that is for the Great Lending Bank. The small pawn ticket is cut across diagonally, one-half of it being put upon the article, and the other half being given to the pledger. There is no name of the owner, nor a description of the property on this ticket, nor the value. The identification goes by the consecutive number.

2380. Then this business is carried on with great economy, I presume?—With very great economy of working.

2381. Did you ascertain whether much money was advanced by the small pawnbrokers?—No; I have not studied this by my own observation; I have derived it from the report of M. Watteville, who describes it at great length.

2382. Do you know what is done when the ticket is lost?—I do not.

2383. Mr. *Whitwell.*] How is this ticket filled up?—By the consecutive number and the date.

2384. And there is no significance as to value whatever?—I do not think so.

2385. *Chairman.*] Do you know whether any supervision is exercised on this small pledging?—They are kept under very strict supervision from the corporation of the Great Lending Bank; they are not allowed to find their own books, but the books are supplied from the chief establishment, and also the tickets. The books are required to be perodically produced for examination at the offices of the Lending Bank, and its subordinate officers also make domiciliary visits from time to time, chiefly, I believe, for the purpose of assessing its own commission or royalty upon their dealings. At the time of the report, there were about 60 small pawns in Amsterdam.

2386. What is done with those small pledges; are they kept by the persons who take them, or are they accounted for in any way?—The pawnbroker is not bound to give any account of them when they are forfeited at the end of the fourth month; they become his property.

2387. Does any system prevail of converting larger pledges into smaller pledges by dividing goods?—Yes; they will divide pledges, where possible, into several parts.

2388. What is the object of that?—To get an additional commission on each pledge.

2389. Do you understand that the minimum charge is the commission on a fixed sum, and not upon the actual value of the thing?—It is from 7 to 9 per cent. upon the loan.

2390. Then what would be the object of splitting the loan unless the minimum loan is fixed; it would only give trouble?—The minimum loan, I think, is 9 per cent. upon the money lent.

2391. But what is the object of dividing the pledges?—They would make an advance of several small sums upon one article divided into separate parts.

2392. Do you mean that the object is to bring a loan of more than 2 *s.* 6 *d.* down to the level of 2 *s.* 6 *d.*; is that the purpose for which the pledge is split?—They get an advantage by it, but I cannot exactly say in what way now.

2393. There would be no object, would there, unless the whole commodity was worth more than 2 *s.* 6 *d.*, so as to bring the whole transaction into a 2 *s.* 6 *d.* pledge?—The object, I believe, is to get a more valuable class of pawns than they are legally entitled to, by dividing, where it is possible, a pledge of greater value than the maximum into several parts.

2394. Mr. *R. Arkwright.*] You wrote a treatise, I think, on pawnbroking?—Yes, I did; but it is some years ago.

2395. And you have had some communication with the last witness, Dr. Hancock; he asked you some questions, I think, with reference to the length of time during which pledges should be redeemable?—He addressed some questions to me, and I wrote the answers to them, and they are appended to his report.

2396. I think you seem to suggest that different sorts of goods should be redeemed at different times?—I think that the present time is much too long for clothing; there is no doubt that clothes deteriorate very much in the course of the 12 months during which they have to be kept now, and that if they came out at the end of six months they would come out at the time when they are generally most marketable, but I do not think that it applies to other things.

2397. Would you suggest that the time should be shortened altogether for all pledges?—That I should hardly like to offer an opinion upon, but certainly with regard to clothes I think it should be shortened.

2398. And all articles which deteriorate?—All articles which are liable to deterioration.

2399. Mr. *Morley.*] Have you had your attention drawn to the effect of the present system, with reference to stolen goods, and have you considered whether some mode might not be adopted by which a prisoner brought before a magistrate might be confronted with some writing of his own; in other words, if a book were kept for pledges above a certain amount, say above 10 *s.*, would you not feel it to be desirable that anyone pledging should write his name and address, because, although it might be a feigned name, it would be writing which might be contrasted with his writing at a future time?—I do not think that that would be of much use; I have never thought upon the subject, but it does not appear to me at the first glance to be a very useful mode.

2400. Have you had your attention drawn to the fact of the effect of pawnbroking upon the poor-rate?—No, not at all.

2401. Are you aware that in counties where there are the fewest pawnbrokers, there is a higher scale of poor-rate?—That would merely show that in some counties the population is in a more flourishing condition than in others; I should suppose that pawnbroking and poors-rates would be the largest in the most distressed counties.

2402. You do not understand me; are you aware that where the poor have the facility for raising money on pledges, there they least resort to the poor-rate?—I have no knowledge of the poor-rate part of the question; I have never studied it.

2403. Do you not think that the charge for the ticket is rather oppressive?—I do not think it is.

2404. We have been told that the charge is for appraising the goods; is that your view?—I should not myself look upon it in that light; I should regard it rather as a fee for the trouble of booking;

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booking; my own view is, that the same price of 1 *d.* should be charged for all tickets, instead of a charge, varying from ½ *d.* to 4 *d.*; I do not myself see any reason why there should be such a difference.

2405. In the case of a person taking in his watch, or anything else, why should there not be a charge which should cover everything?—That would involve a higher rate of interest; if it were properly assessed, it would come to the same thing; but I think that it would be a sounder principle if the expenses of taking in were charged upon the first transaction.

2406. Mr. Alderman *Carter.*] According to the cost of taking in and storing?—Yes; I should think 1 *d.* for every ticket would be a fair charge.

2407. Mr. *Morley.*] Have you considered the mode of selling by auction?—I have not; but it is a thing upon which I might perhaps answer any question.

2408. You have confined your observations chiefly to the foreign systems, I presume?—That is all that I have come to give evidence upon. The other matters I can only derive from the statements of the pawnbrokers themselves, who can give you the evidence more directly.

2409. We have had remarkable evidence of the immense proportion of pledges in England being for very small sums; do you know what is the case in France as to that?—No, except that generally they take nothing under 3 francs.

2410. Is there any mode of which you are aware, except those illicit shops like our leaving-shops, for very small sums?—I fancy not; there is no legal system.

2411. Have you any idea that the tradesmen in France make use of the mont de piété?—Yes, undoubtedly; that is evident, I think, from their rules, in which they require certain precautions where merchants are offering new merchandise.

2412. Those 8,000 clocks which I think you saw, must be the property of persons in business in that line of trade, I presume?—Many of them. In regard to high pledges they have a rule that those above 1,000 francs have to be received under certain regulations distinct from the ordinary ones, and with greater precautions. I remember seeing a portmanteau while we were there which contained some very large amount of valuable property that was being pawned. It was being sealed up by one of the warehouse keepers, being above a certain value, and it was placed in a strong-room which could only be approached by the head warehouse-keeper.

2413. Is it not your impression that they have more guarantees with reference to the right ownership of property than we have in England?—Undoubtedly; we have not the system of personal papers.

2414. They may be oppressive as to the details, but we are almost destitute of any such arrangement, are we not?—We are, because we have no system of personal papers. An Englishman does not carry about papers to prove his identity, and nearly all foreigners, I believe, do so, just as we, if we travel, take a passport.

2415. Did you inquire in Amsterdam, where this simple mode is in use, whether stolen goods are often pledged?—As I said before, I did not derive the knowledge of that system from my own observation or experience, but from reading, from official documents.

2416. Mr. *Whitwell.*] With regard to the subordinate establishments in Paris, are the commissionnaires compelled to deposit their goods in the central office?—They are under a penalty, of I forget how much, if they do not deposit them within 24 hours.

2417. What license fee do they pay?—That I do not know.

2418. Do you know of any case, either in Holland, or Belgium, or France, where the ticket is paid for by separate charge?—I do not; but many of them charge a valuation fee, which is, perhaps, something of the same character.

2419. The payment of a fee for the ticket, if any, is included in some kind of charge, I suppose?—I imagine so.

2420. Do you know how, in Paris, the ticket can be made available for a loan from an outside party?—No; I believe there is a very large traffic in pawn-tickets, but I do not know how it is worked.

2421. Are you aware whether any person holding it would be able to receive the value of the goods?—I apprehend that if a person transferred that ticket, he would probably give his name and address to the purchaser, and he would be enabled either to redeem or to receive overplus.

2422. With regard to a question which was asked by the honourable Member for Bristol, I presume that the Committee may gather that those institutions in France, are much more used for very large articles, and that they are very little used by the poor?—Very greatly, as nothing below three francs is received.

2423. Is there not one clause in the ticket given by the mont de piété in Paris which enables the person who pawns the article to call for an account of its sale at the end of three months?—The clause is this: "Tout nantissement non renouvelé ou dégagé dans le délai d'un an est vendu dans le cours du treizième mois; toutefois il est loisible à l'emprunteur de requérir la vente de son nantissement trois mois après l'engagement (les marchandises neuves exceptées)."—That is so.

2424. Do you not think that it would be an advantage for the person pledging to have power to call upon the pawnbroker to sell his article at the expiration of three months?—I do not know that it would be any advantage.

2425. But the pawnbroker has no power to sell it for his own advantage, he is bound to keep it 12 months and then to sell it; would there not be an advantage to anyone pledging a valuable article if he had power to call upon the pawnbroker to sell it at any time after the expiration of three months from the time of its being pawned?—I should think there would be; that would be introducing the free contract system.

2426. But if he had not exercised the power of free contract, and made the arrangements on pledging the article, would it not be desirable to introduce a power for the pledger to call upon the pawnbroker to sell his article after the expiration of three months?—That might be very easily done by his going through the form of redeeming it, and depositing it again for the three months; that is, supposing that free contracts were permitted.

2427. Mr. *M. Guest.*] Are free contracts permitted in the French monts de piété?—No.

2428. Mr. *Whitwell.*] Does the Government supply any money to the managers of the monts de piété?—The mont de piété borrows money itself and pays interest for it.

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2429. Do you know at what rate it borrows? It paid 3 per cent. last year, but the rate ries according to circumstances.

2430. *Chairman.*] Do you mean that it bor- ws from the bank?—It borrows where it can. any people, I believe, invest their money at per cent. in the mont de piété, just as they do here in consols. There is also something of a charitable motive in investing money with the mont de piété.

2431. Mr. *Whitwell.*] You know nothing of the conduct of similar establishments in Italy, I suppose?—I have not prepared evidence on the subject.

Mr. JOHN MORRITT WALTER, called in; and Examined.

Mr. *Walter.*

2432. *Chairman.*] Do you carry on the busi- ss of a Pawnbroker?—I do.

2433. At 105 and 106, Aldersgate-street, ty.

2434. Are you satisfied with the existing pro- sions of the Pawnbrokers Act, or do you wish y changes to be made in it?—I have been for any years grumbling and abusing those Acts of arliament, and until some members of our trade rmed an association and proposed a Bill, I was ry much dissatisfied with the Act; but as soon I saw their Bill, composed by pawnbrokers, I lt that I was abusing an Act that had a great al of good in it that I had not seen before. want more profit.

2435. Will you state briefly what alterations u would desire to see made in the Bill?—On lause 2, the promoters of this inquiry have re- mmended the Irish rate; I should thank you d the honourable Members to grant it. Before is matter came up, I have for many years ought that a halfpenny for every half-crown, or rt of a half-crown per month would satisfy me. hose statistics which they have placed before u, I candidly admit I do not understand; and here they say that every pledge costs 2½ *d.*, and am dealing in hundreds of pledges every week, hat I only receive one penny profit upon, I can nly say, "where ignorance is bliss 'tis folly to e wise." But I think that a halfpenny for every *s* 6 *d.* is not enough, and I agree with them in aying that one halfpenny for every 2 *s.*, which the Irish rate, would do; I do not object to nat.

2436. What have you to recommend with re- ard to Clause 3?—As to Clause 3, if you adopt heir view and mine, you need not go into it. Clause 4 is done away with, because I object to rthings; farthings and fractions I have a great bjection to.

2437. What have you to say with regard to Clause 5?—I think that the pawnbrokers ought o give the public ten days for nothing; and, pon the eleventh day, charge another month; hose half months and fractions are very objec- ionable; I mention ten days, because, in calcu- ation, ten days is more easily added than any ther number.

2438. What are your views with regard to Clause 6?—I hope this Committee will not pass Clause 6 over. I should wish, for the sake of the rade and for the sake of the public, that you would order that three books should be kept.

2439. What do you think is the advantage of aving three books?—It is an advantage to me as a pawnbroker; it has been given in evidence by some of the country pawnbrokers that it is desirable that there should be a book for 10 *s.* and under, and a book for all sums over 10 *s.* I want a book up to 5 *s.*, which we in the trade call a low book.

2440. What is the object of keeping a book for sums below 5 *s.*?—Then I could have one boy booking in the lows, and another booking in the mediums at the same time; and, in case of reference, it would be much easier to pitch upon this book. This is my auction book (*producing a book*); it includes all pledges over 10 *s.*, which I am bound by the present Act of Parliament to keep separate from the other pledges; this is the medium book (*producing another Book*), which contains the pledges between 5 *s.* and 10 *s.*, and this is the low book containing all pledges under 5 *s.*

2441. Will you explain what is the particular merit of keeping a book, distinguishing the pledges between 5 *s.* and 10 *s.*?—In case of inquiry, whether for the pawnbroker's advantage in carrying on his business or for the advantage of a person who has lost his ticket, it is certainly far preferable to have a book containing pledges under 5 *s.* and another book containing pledges of 5 *s.* and up to and including 10 *s.*, than to have one book containing all the pledges under 10 *s.*

2442. Then if you had liberty to keep as many books as you liked, you would be able to keep one for every shilling if you liked?—Undoubtedly, but that would be foolish.

2443. Then what is the necessity of compelling everybody to keep such a book?—I say you will be making a law that will be of advantage to every pawnbroker; it will be of advantage to the public on the occasion of the police coming in to inquire about an article. If a man had pledged an article for 3 *s.* he would refer to one book, if he pledged it for 6 *s.* he would refer to another, and if for 12 *s.*, to another.

2444. You have kept three books, then?—Yes, I keep three books.

2445. And you would like to keep three books still?—I hope this Committee will not sanction two books only being kept; then with regard to the "H" and "L" upon the ticket it is perfectly absurd; there are my tickets, the "Auction," "Medium," and "Low" (*producing tickets*), we are bound to put "H" and "L"; I tell my printer to put "H" on one ticket and "L" on the other, and that clears me as far as the Act is concerned.

2446. Do you always discover whether the person is a housekeeper or a lodger?—I never dreamt of asking them, and for 20 years I have not done so; and I do not intend to do it, unless you make me pay a penalty.

2447. Then how do you fulfil the requirements of the Act?—I do not fulfil it; it is perfectly absurd, putting it from a pawnbroker's point of view.

2448. Then you have never complied with the Act in that respect?—Certainly not.

2449. Then do you think that there is no advantage in having "H" and "L" on the tickets?—Not the slightest in the world.

2450. Then I presume that you concur in the expediency

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expediency of putting an end to that restriction?—Yes; I also never ask a pledger where he lives, or the number of the street.

2451. Do you not put any address?—I tell my assistants to put down some address; because we are bound to do so.

2452. How do you get that address?—We imagine them; some of us are fond of "Old-street"; I always put "No. 4, John-street," because I can write it more easily. You may think that I am making a joke of it; but with my experience of the pawnbroking trade, it is perfectly absurd for the Act of Parliament to say that we are bound to ask a customer, "What is your name? What is your Christian name? Are you a householder or a lodger? Where do you live? What is the number of the street? Is it your own property?" It is moonshine; it is nonsense. I do not do it, and I am quite sure a good many more do not do it. If you can get any evidence to prove that there is the slightest advantage from it to the police, or to anybody concerned, I will admit that I am wrong; but I will defy this Committee to find evidence to prove that there is the slightest use in our asking whether a man is a housekeeper or a lodger, and the name and number of the street. I have sometimes a hundred people in my shop at a time, and if it were not for the surname I admit that we could not carry on our business, because we could not identify the pledge; but as regards the name and number of the street, and the "housekeeper" and "lodger" and "Christian name," it is perfect nonsense.

2453. Do you, when the duplicate is given you back, always indorse upon it the amount of charge that you have made upon it?—Undoubtedly; I should be very sorry indeed if the Committee did not compel that being carried out.

2454. But do you always do it?—I always do it; at the last meeting of the Committee I had the details here to show that I did it.

2455. Do those from whom you receive the duplicate see that you make any such entry?—Never, unless they say, "What do you charge me"? and then they see what they have to pay. All the amount that I take is placed upon the ticket in black and white immediately it is received. I was very sorry to hear some witnesses say, "destroy that clause"; but if you do so, you will cause a number of careless men to do their business much worse than they do at the present time in regard to keeping their accounts.

2456. Would not the same result be arrived at if you entered your receipts in a book?—We do enter our receipts in a book, but not separately, only in totals each day.

2457. Do you enter in any account book the receipt of money against each redemption?—Certainly not; no pawnbroker in Great Britain does so, or at least I never heard of it.

2458. Then is no account kept of the redemption of the pledges in detail?—There is not. I can tell you how many pledges under 10*s.* I have delivered for as many years as you like, and what the amount is in the gross.

2459. Then does the pawnbroker only keep a cash book representing his cash receipts over the counter for the day?—If you will allow me, I will just show you the A B C from beginning to end. That (*producing a book*) is a book in which my foreman enters the business done in my shop each day, and you will see something there that you object to, but which I shall be very happy to argue with you upon.

2460. In point of fact, do you only enter the total of your receipts for the day?—For the day only.

2461. You do not enter the details?—Undoubtedly not. If there are 10 auctions, they may amount to 15 *l.* or 20 *l.* 4 *s.*, and the interest is so much, whatever it may be, the same with the low tickets.

2462. Then do you compute the totals that you enter from the tickets?—Yes, we compute the total from the tickets, both principal and interest.

2463. Is the accuracy of the account checked by the cash in the till?—By the cash in the till (*explaining the account books to the Committee*).

2464. When the amount does not balance, you put so much short, and balance it in that way, do you not?—Every day we are something short; 1 *s.* or half-a-crown, or something over, or whatever it may be; it ought to balance exactly.

2465. If he is over he takes it out of the till, and if he is under he puts it into the till; is that so?—Always the shorts exceed the overs during the month.

2466. Mr. Alderman *Carter.*] The books are put in for the pledges under 10 *l.*; have you the books for the pledges above 10 *l.*?—I have (*producing a book*).

2467. *Chairman.*] Do you object to the provision in the Act which makes it penal to pawn unlawfully the goods of other persons?—No, I do not object to it. If anybody took my coat and pawned it, I should feel very much annoyed that I should have to pay the money for it and think he ought to be punished for pawning it.

2468. Have you anything to say with regard to clause 10?—In regard to that clause, if a person comes in this afternoon, and I am in my shop, and brings in a watch and looks suspicious and I ask questions, the clause directs me to give the person into custody. If I was quite sure that the pawner was not in rightful possession of the property, and I was behind my counter, I should feel it my duty as a citizen to call in a policeman and place the person in custody. I say that we are entitled that the law should free us from the responsibility of making a mistake. The law of the land invites us to exercise a judgment upon what is no profit to us in any shape or way, but simply wasting our time at the police courts in getting a conviction. We may make a mistake; I have done it myself, and have settled the transaction. If a person comes in and you are not satisfied, and you call in a policeman, and you find you are mistaken in your original idea in regard to the pledger, you may have a lawyer's letter. I am afraid of lawyer's letters; they always cost money.

2469. Mr. *Morley.*] A lawyer's letter, to what effect?—Threatening an action for false imprisonment, or defamation of character.

2470. You do not give the person into custody?—It is unfair for the law to ask me to do that which is no profit to myself, when I may, by endeavouring to carry out the law, make a mistake, and I may have to pay 100 *l.*, or 50 *l.*, or whatever it may be.

2471. Do you mean to say that if you call a policeman in, and do not give the party into custody, you are still liable to legal proceedings?—I distinctly say so. If you call a policeman in ar

nd you say, "This party has offered me a vatch; I think it is not all right, and any of my ustomers heard me, and it turned out all right, should be liable for defamation of character; a awnbroker's shop is never empty.

2472. Do you mean that if the policeman says think you are mistaken, and walks away, the arty would send you a lawyer's letter?—Undoubtedly, many would.

2473. *Chairman.*] He would not be entitled to o that unless you detained him in the shop, would e?—Here is an instruction that we should do a ertain thing, we run the risk of doing that for hich we may forfeit 50*l.*; there are several eanings to the word detain.

2474. The question that was asked you was his. If you did not detain the man, but merely ent for a policeman and stated the facts to him, aving the policeman to exercise his own discretion, would you then incur any liability?—I ave known a case where the parties have been aken to the station and discharged there, and I ave had a lawyer's letter, and I have been afraid o go on with it. If you can prove that it is any dvantage to the pawnbrokers, I am willing to ithdraw my objections.

2475. If the pawnbroker detained the person, gave him into custody, then you think he ught to be indemnified?—Undoubtedly; I think is only fair between man and man.

2476. Have you any objection to clause 11?—t is too wordy.

2477. Have you any objection to clause 13?—n regard to that clause I should like the Committee seriously to consider the position of the awnbrokers who advance the money. The remarks made by the bench in reference to taking stolen property at times, are quite absurd, ney are made by magistrates and judges, and re printed in the press; if one quarter of what as said by the judges and the magistrates was ue, the public at large would kick us out of the ingdom.

2478. We are not now upon the question of hat the magistrates say, but we wish to know hether you have any observation to offer with eference to clause 13?—I say we are fairly entitled to ask you that the pawnbroker shall not rfeit the money which he has advanced upon ny goods he has taken in, unless the authority ecide that the pawnbroker has been negligent, nd that he shall not have the money he has dvanced; but, unless the magistrate decides that here has been neglect on the part of the pawnroker, I say we are fairly entitled to the money.

2479. Are you aware that, according to the rdinary law of the land, if any person advances oney upon property which is proved to be stolen, he stolen property must be given back to the wner without the advance being repaid?—I dmit that, but it is unfair to the pawnbroker.

2480. Why should it be more unfair to a awnbroker than to anybody else?—If I stole watch to-morrow, should I go to a butcher and y, "Will you buy it or lend me money on it?" should not think of it; but everybody knows at by going to a pawnbroker they are supposed be in want of money, and it is his business to nd money.

2481. Supposing the person having stolen the atch takes it to a watchmaker and sells it, ould not the law compel the watchmaker who ought it to return it to the person from whom was stolen?—Undoubtedly.

2482. What is the difference between the case of the watchmaker and the pawnbroker?—It is not the watchmaker's business to lend money upon property; my shop is open for the purpose of lending anybody money who wants it; we value the property, and lend as much as it is worth, because we advertise to lend the utmost value; a watchmaker does not buy one second-hand watch for 5,000 that a pawnbroker takes in pledge.

2483. Have you any objection to offer with regard to Clause 16 in the Act?—There, I think, we are very unjustly dealt with according to the present law.

2484. Do you wish to explain something about the proceedings upon the affidavit?—I do; according to this Act of Parliament if a person came to morrow morning into my shop, and said, I have lost a ticket of a coat pawned for 10*s.*, I am bound to find it; she says, I will take an affidavit, and we are bound to give one; these affidavits go down to the police court, and the magistrate never examines or troubles himself about the parties in any way; in the City of London they generally put the seal of the court upon it, but in many courts they do not do that; she comes back, and pays the principal and interest, and we deliver the coat, or whatever it may be; if anybody came a month afterwards, and produced the ticket, I then find that we have no defence; now I maintain that this Act should throw the responsibility upon somebody, but certainly not upon the pawnbroker, who cannot know who pledged the coat three months ago, and cannot refuse to give an affidavit when asked for one.

2485. In those cases the pawnbroker makes no inquiry at all, but simply delivers the goods upon the magistrate's certificate of affidavit?—They come in to inquire for a certain parcel; they make a mistake in the day, they know the name, but as to the street, they never think about it; we find a parcel, and we show them the article, and they say, that is my coat, and we are bound by this Act to deliver an affidavit; the process is to walk down to Guildhall, the magistrate signs it, they come back and pay for it, and take it away.

2486. Mr. *M. Guest.*] Have you yourself had many cases of that kind?—I have not; but as we are going through the Act, we may just as well revise those absurdities. I have had one such case myself, but that is about five years ago; that is the only case I can tell you of in my own experience; but I maintain that you should either make the pawnbroker responsible, and then he would take more care, or you should make the magistrate responsible, and he would take more care; I do not care which it is, but let us know what is right; we do not know all our customers.

2487. *Chairman.*] Do you object, as regards clause 17, to the time being diminished?—I strongly object to that clause; I protest against it; if you make it less than 12 months, you will be doing an injury to the public, and to the trade at large. They admit that in the first three months, 80 per cent. of the pledges are delivered. A paper has just been put into my hands (I do not know by whom), in which I find these words, "However, the writer of this is able, by actual figures, to show that of the total number of pledges received, 95 per cent. are redeemed." I do not not know the author of this paper but I will accept that average. The trade is asking you to make it six months instead of 12; I say, as a pawnbroker,

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that it is absurd to ask it, and I am quite sure the public would be very much aggrieved if you granted it. There is no reason whatever for granting it.

2488. But supposing that the time were reduced to six months, the person who pledges the goods will be able to renew his pledge at the end of six months, will he not?—If they want to take it out or renew at the end of six months; they can do so now if they wish it. I am not going to dispute that it would be an advantage to the pawnbroker, because he would have his interest paid six months sooner than at present. I say as a conservative pawnbroker, that it would do us more harm than good. I fairly tell you everything that I know; the effect of this would be, that you would have a number of men coming into the pawnbroking trade, not so respectable as those who are in it now, and I, as a pawnbroker, say I do not want those men to join our trade.

2489. Supposing that the time generally were fixed at six months, and the parties had liberty to make contracts of their own, there would be nothing to prevent their making it 12 months if they preferred it, would there?—I question if our customers would know, if they pledged in February, when the six months were up. One honourable Member alluded to the sense or intelligence of those who pawned under 40 *s.*; I positively believe that if my customers had a ticket given to them to-morrow, many of them would not find out when the six months were up. If they pledge in January they would know that it was due in January, and in February the same; but if they pledged in June, and the interest was due six months hence, they would either forget it or they would not know what month it was without asking. I am sure I am speaking now on behalf of the trade when I say that the trade do not want it, and would be sorry if you granted it, and it would be a disadvantage to the public.

2490. What means have you of speaking the views of the trade?—Will you allow me to refer to some letters which I have received especially upon that point; they are all master pawnbrokers in a large way of business, in all parts of the country.

2491. How many letters have you received?—When I saw that Bill I invited my fellow-countrymen to write to me and express their opinions about this Bill.

2492. Having written to those pawnbrokers, how many wrote to you and expressed their opinions?—One hundred and eight.

2493. Have you 108 letters there?—No; because some simply wrote "Stop the Bill." These letters are strongly objecting to the six months' clause.

2494. How many letters have you objecting to the six months' clause?—I have not counted them; I have not got all my letters here.

2495. Do you think you have got a dozen?—Most decidedly; if you will give me a week I will give you 500 letters from masters in the trade objecting to the six months' clause.

2496. How many letters have you objecting to this six months' clause?—I have received more than these.

2497. But how many have you got there?—About 13, but I picked those out because they make a special point of it, and give reasons.

2498. Then you have 13 letters especially objecting to the six months' clause?—I have more letters from the trade than those; I do not want the Committee to understand that I have only 13 letters upon the six months' clause.

2499. You have stated that you have received 108 letters generally objecting, and that you have picked out those containing a particular objection to the six months' clause, and that they amount to 13, is that so?—Undoubtedly, but I only put my advertisement in on the Monday previous to the Second Reading; if you can show any advantage to the public, I, as a pawnbroker, will not say another word about it.

2500. Mr. *M. Guest.*] The Committee have heard something about the clothes being out of fashion, what is your view as to that?—That is all nonsense; if they come to my house I shall be glad to take them in.

2501. Mr. *Orr Ewing.*] You do not believe in the change of fashion?—A pawnbroker always wants to lend money; I want to lend more money than I am lending at the present time and I cannot do it, and to tell me that the change of fashion will affect me is all nonsense.

2502. *Chairman.*] Do you think that the system under clause 18 is a convenient system for selling pawnbrokers' goods?—Undoubtedly.

2503. Do you sell goods in that way?—If you destroy this clause it will amount to nothing, because I am quite sure that the pawnbrokers and auctioneers will arrange that we shall have a certain time or period to sell those particular goods they are works of art and paintings, and in a clothes' sale gentlemen will not waste the whole of the day to buy one or two paintings amongst a number of lots of clothes at a pawnbroker's auction sale.

2504. What is the value of that class of goods that you have sold in a year?—They do not amount to much. In the month of April 1869 I sold goods to the amount of 15*l.* 1*s.* Of course it is not a large amount, because they are peculiar goods.

2505. Is that about the average of your quarterly sale?—That is about the average of my quarterly sale; not more; but if those same goods had been put into a clothes' sale, I should not have got what I wanted for them, and they would not have fetched their value. It is a particular class of goods, and only a particular class of buyers will attend a sale, and if you destroy that, we shall make a sale of our own to suit the same purpose. If you could define that class of goods a little more strictly, it would be an improvement.

2506. Do you think it desirable that the person pledging should have the liberty of enlarging the time by their own notice for three months more?—Undoubtedly.

2507. Do you receive many such notices?—During the last three months, 384 persons have come to my shop and paid the three months' interest, including letters written to me to say please do not part with such-and-such goods for three months. The pawner is our best customer, and, therefore, as a trade question, it is folly to do away with the liberty of the pawner as to those three months.

2508. Have you many demands made upon you for the surplus on goods sold?—No; as far as that goes it is very small indeed; but I do not wish to deprive the public of that advantage.

2509. Are you satisfied with the hours during which

hich you are required to carry on business?—ertainly not.

2510. In what respect are you dissatisfied?—have been on a committee on the subject, and had the honour a few years ago of speaking to e Right honourable Chairman about the Act, d he said to Mr. Hows and myself that if ere was a division among the masters of the ade there was no chance of obtaining an altera-n, and we withdrew the Bill. I am asking nourable Members to sanction that we should en at 8 o'clock in the morning and shut at o'clock in the evening all the year, with the ception of holidays and Saturdays.

2511. What hours would you fix on Saturday? Eleven o'clock, at present. One man in a ighbourhood will stop a lot of men who are lling to concede this hour night and morning keeping his shop open, compelling his neigh-urs to do the same or to lose some of their stomers, and no men work harder than Members Parliament and pawnbrokers' assistants if they their duty.

2512. Do you think that clause 22 of the esent Act, with regard to keeping a table of ofits is satisfactory, or that it would be better have a simple rate put upon the ticket?—I ve never put a table of profits in my shop ce I have been in business; I have some tables profits here, and if you gentlemen will tell me correct interest you would have to pay if you wn anything, I think my argument falls to ground. If you will tell me what the interest uld be upon 8 *s.* for seven months I shall be d, but I do not think you can do it.

2513. Then you think it will be desirable to e the charge put on the ticket?—Un-btedly; the pawner will then know what he to pay.

2514. What is the extent of the business that have been carrying on; how many pledges you take in the course of last year?—In 5 I took in 85,153 pledges.

2515. Can you state what the value of the dges was?—I do not know the value, but I t upon them 41,688 *l.* 13 *s.* 1 *d.*

2516. What is the average value per pledge? I have not worked it out.

2517. Have you the number of any particular nomination, as entered in your three books?—ly day by day; this is taken from the total of year; I can tell you for any day in the year, number that I have taken in, and the number t I have delivered.

2518. Take a Saturday; how many pledges there of 5 *s.* and under; how many of 10 *s.*, l how many above?—Up to last Monday rning, 3,458 pledges under 5 *s.* have been en in the month of June.

2519. What was the number of pledges in the e time between 5 *s.* and 10 *s.*?—There were 00.

2520. And above 10 *s.*, what was the number ing the same period?—Four hundred and nty-seven without the deposits.

2521. Do you think that would represent about average of the business that you do?—Un-btedly. It does not include the deposits that ake under 10 *l.*, or the deposits over 10 *l.* If wanted 12 *l.* to-morrow I should not give you cket, and I should not put it in either of those ks. Over 10 *l.* I should make a special con-ct.

2522. Mr. *M. Guest.*] I see that you have one pledge for two guineas, which you charge 1 *s.* for; that is a great deal over the interest allowed, is it not?—It has nothing to do with the Act, which only allows 8 *d.* per month.

2523. *Chairman.*] Will you explain what are the transactions which you do under 10 *l.* which are not under the Act?—Here is the book (*producing a book*). On the 5th of January 1870, I lent a man, upon four reams of paper, 2 *l.* 16 *s.* by special contract, but there is a sixpenny agreement stamped upon it; he signed his name, and agreed to the charge.

2524. Mr. *M. Guest.*] Besides that, what interest do you charge him?—I only charge him 1 *s.* 6 *d.* a month for 2 *l.* 16 *s.*, which is more than the Act allows, which would be about 8 *d.* per month.

2525. *Chairman.*] Upon what principle is it that you consider yourself entitled to make those special arrangements?—Because I am not doing it as a pawnbroking transaction. A man comes in and he brings in four reams of paper weighing 5 cwt. 30 lbs., or something of that sort. It will not suit me to lend 3 *l.* on it for 9 *d.* a month, and I say I cannot take it, but I will make a special agreement with you, if you like, for 1 *s.* 6 *d.* a month. He reads that agreement; I do not deprive the Government of any advantage; I always make use of a sixpenny agreement stamp, and he signs it.

2526. However, you claim the liberty of lending any sums upon any terms you think fit, if a person signs an agreement, is that so?—Undoubtedly I do, upon a sixpenny stamp, and I say it is quite right; I am taking no advantage of the Pawnbrokers Act in any shape or way.

2527. Mr. Alderman *Carter.*] Is this usual with pawnbrokers?—It is usual with me, but I do not speak for anybody else. A lot of men say that that is illegal, and that I am robbing my customers when I do it, but I think they are very foolish.

2528. Do they say that you are acting contrary to the Act of Parliament?—Undoubtedly they do, but I do not entertain that opinion.

2529. *Chairman.*] You do not think that the Act of 1856, to amend the Pawnbroking Act, makes it illegal for you to do this?—Undoubtedly not, because my great point is this: a party comes in and I say, "I cannot take that, but I will enter into an agreement with you, between man and man; here is a sixpenny stamp that will make you abide by what you sign." They sign their names and they agree to that arrangement, whatever the amount may be, and I say that no court would say that I ought to give up that property when a man deliberately writes his name, and agrees to pay me 1 *s.* 6 *d.* a month for taking 5 cwt. of paper and lending 2 *l.* 16 *s.*

2530. If you are at liberty to lend that money, keeping a shop for the purpose, and you do not do it under the Pawnbroker's Act, for the same reason every other person may be at liberty to keep a shop to do the same; is not that so?—Undoubtedly, if they use a 6 *d.* agreement stamp with each transaction.

2531. What do you think of the provision of the Act which says "Every person who shall keep a house, shop or other place for the purchase or sale of goods or chattels, or for taking in goods or chattels, by way of security for money advanced thereon, and shall purchase, or receive, or take in, any goods and chattels, and pay, or advance, or lend thereon, any sum of money not exceeding

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10 *l.*, with, or under any agreement or understanding, express or implied, or which, from the nature or character of the dealing, may reasonably be inferred that such goods or chattels may be afterwards redeemed or re-purchased on any terms whatever": do you not think that the transaction which you have mentioned comes within that description?—Undoubtedly not; it has nothing more to do with it than I have to do with this chair.

2532. You are lending a sum of money less than 10 *l.* upon goods, upon an agreement to redeem them, are you not?—Undoubtedly; and an Act says I am to use a sixpenny stamp, and I use it.

2533. Is not such a transaction expressly prohibited by law?—In my opinion, decidedly not.

2534. Then you are of opinion that any person can keep a shop for the purpose of advancing money upon goods upon an agreement, upon any terms he pleases?—Undoubtedly, on a stamped agreement.

2535. Mr. *M. Guest.*] Do you enter such transactions in your books?—No.

2536. Are you aware that by the Act of Parliament pawnbrokers are bound to keep books?—I am not a pawnbroker in that transaction.

2537. *Chairman.*] Have you any legal advice about what you are doing?—I have talked to a good many legal men about it, and some say I am right, and some say I am wrong; but I think those are wrong that say that I am wrong.

2538. Then, in your opinion, at all events, there ought to be free contract for the purpose of lending money upon goods?—With a sixpenny stamp, decidedly.

2539. What has that sixpenny stamp to do with the question?—I think it has everything to do with it.

2540. In what way can the question, whether two people are at liberty to make a contract between themselves be affected by the mere fact that they pay for a sixpenny stamp?—A party comes in, and I make an arrangement that I do not take it as a pawnbroker; he agrees to that; I put a sixpenny stamp upon it, and he signs his name, and the date upon that stamp. That gives me a title to deal with that property; and to sell it according to the words of that agreement, but not as a pawnbroking transaction. What do I pay 20 *l.* 15 *s.* a year for? Simply that you may come into my shop if you want 1 *l.*; and I look at your watch, and I make out a ticket, and I give you the 1 *l.*, and you go away without asking me any questions, what you will have to pay, or how long it will be safe; the Act is our agreement, you do not sign anything. I take no advantage of the Pawnbrokers Act in any way in my special agreements.

2541. Mr. *Orr Ewing.*] This book which I have before me is yours, is it not?—That book is the account of every pledge that I have received over 10 *s.* and that my customers have not applied to redeem, and that I sell by law under the hammer of some auctioneer. I am bound to account for every pledge, whether it is clothes, plate, or jewellery, if I lend more than 10 *s.*, stating when I sell it, where I sell it, and what it fetches.

2542. Mr. *Whitwell.*] Being bound to put down the article which you sell, the person who has pledged, the amount advanced, and the amount for which sold, how do you fulfil that requirement by putting "deposit"?—I put that deposit in simply to save my keeping another deposit book, and also to show the profit or loss upon all my pledges and deposits.

2543. What does "deposit" mean?—It has nothing to do with pawnbroking; we call it in the trade "deposit." I call it a transaction which has nothing at all to do with the Pawnbrokers Act in any shape or way.

2544. This is a pawnbroker's book; tell me what distinction "deposit" means?—It means those transactions not carried out according to the Act of Parliament which governs our business.

2545. I find here, a person of the name of * * * pledging a diamond ring for 3 *l.*, which sells for eight guineas; I find that the same person, at a different date, has a "deposit," on which has been advanced 15 *l.*; now what was that deposit which is marked in this book "Lot 21," which was sold by auction?—If I had brought you the two previous books to that, you would have seen the whole transaction. I am not bound to say whether it is a cow, or a horse, or a pair of boots. I can do what I please with those deposits, they are outside the Act of Parliament.

2546. Then this book is not kept according to the Act of Parliament, is it?—Yes, every pawnbroking transaction there is kept according to the Act of Parliament, but I can put in what I please, in addition.

2547. It is not a record of the transaction?—It is a record of every transaction under the Act of Parliament in regard to the Pawnbrokers Act.

2548. According to my understanding of the thing, the deposit ought to identify the article sold; is not that so?—You have nothing to do with the deposits in this Committee; you are upon the Pawnbrokers' Act of Parliament, and have nothing to do with them.

2549. You bring this book before the Committee to inspect; you sold on the 22nd February 1870, a large number of bats; what are bats?—Cricket bats, and capital ones they are too.

2550. Those were taken in pledge, I presume?—Yes.

2551. Were they afterwards sold?—I do not say that they were sold; we are bound as regards every transaction that I have over 10 *s.* and under 10 *l.* to account by a public auctioneer for what they fetch; but I do not sell all those pledges that I send there. I am there to buy them, and if the public will not come and bid what I think they are worth, I buy them myself; but I represent them in that book as being all sold; and they are legitimately sold according to the Act.

2552. The Committee wish to know exactly what this book records; I understand from you that the probability is that a number of articles which appear by this book to be sold were bought by yourself; is that so?—Undoubtedly; a good many of them, and especially lately.

2553. So that the loss which is marked in the two columns as a loss accruing on the transaction may not have proved a loss after all?—Undoubtedly; I have had my money for a lot of those pledges that I bought in for 20 or 25 per cent. less than I lent on them.

2554. And the probability is that you may have made a profit upon the transaction after all?—Undoubtedly, in many cases, but in the majority of cases I decidedly lose.

2555. The pledger has no advantage by any overplus in the sale; but you have bought them at a lesser sum than they were pledged for, and

yo

ou have sold them afterwards at a greater sum; that the case?—Undoubtedly; I admit that.

2556. Mr. *M. Guest.*] They were sold by uction, and you bought them in?—Yes; I ought them fairly; I bid against the auctioneer, nd if there is anybody else there to bid more ey can do so. I am too happy to sell if I can, t I do not like to give my goods away.

2557. I understand you that you consider that ou can set aside altogether this Pawnbrokers ct by putting a sixpenny stamp upon an agreeent?—Undoubtedly.

2558. In fact, the sixpenny stamp, you conder, entirely evades the Act of Parliament?—ndoubtedly; it has nothing whatever to do ith the Act in any shape or way; if I did that ithout the sixpenny stamp, I admit that I should e doing wrong.

2559. May I ask what is your authority or recedent for thinking as you do upon the subct?—Only common sense; I am not up in law, t I have been into county courts, and have seen end of cases where agreements have not been awn out one-tenth as plainly as mine, and the e person sues the other, and gets a decision.

2560. Have you any knowledge where those ur reams of paper came from?—Not the ightest; it would not pay me to go into the ext street to inquire.

2561. But, surely, that seems to me as enouraging a trade of lending money upon what ight be stolen goods?—He looked as honest a an as I am.

2562. Mr. *Whitwell.*] With reference to lause 20, you propose to charge 6 *d.* instead 1 *d.*, do you not?—Yes; I am compelled to eep an account; and here is my auctioneer's count, which came in this morning. I have to py his account into a book, stating when the rticle was pledged, the name of the party, the ate, what it cost, and what it sold for; and the erson can come to me and give me 1 *d.*, and see at account. I say that it is absurd, and that e are entitled to 6 *d.* for anybody coming to now whether there is 1 *l.* profit, for instance.

2563. Do you think that when any overplus curs, it is only proper for you to inform the arty that an overplus has arisen?—I think that is quite right that we should do so; but it ould be perfectly impossible in my case, beuse I never ask anybody where they live.

2564. You say that the 21st clause is quite ght, but that the hours all the year round ould be from eight to seven o'clock, with the xception of Saturdays and holidays. And you ropose, do you not, that on Saturdays and holiays the shops should be open till 11 o'clock?—es; I hope the Committee will seriously conder that. The assistants fully deserve it; it ould be no disadvantage to us or to the public, we all closed at the same time.

2565. On the 22nd clause you recommend, do ou not, that the interest and the rate per cent. er month, should be endorsed upon the ticket, o that it may be an open and fair transaction etween the depositor and the pawnbroker?—Undoubtedly; and it would assist both parties.

2566. Then you propose, on some successive lauses, to revise them; what do you mean by hat?—They are too wordy; I am not well up n law, and I cannot understand them.

2567. You have a special reference to the 7th clause; you desire to limit the time for rosecuting by information, do you not?—That, I think, is a matter of common sense. If a person feels himself aggrieved against a tradesman, and if he does not find it out for three months, I think that it is fair to say that it is no grievance at all; but here 11 months and 30 days may go by before a man may come and state his grievance, and the tradesman could not recollect out of the number of transactions he had had since, the details of one.

2568. Have you known any practical inconvenience to arise from the 12 months being in the Act of Parliament?—Not at all; I never had a summons in my life for overcharges.

2569. We have here a Paper which has been put in, I believe, on your behalf, as showing the proceeds of your business in the year 1865; have you any objection to its being put upon the Minutes?—Certainly not.

[*The following Paper was delivered in:*—]

"1865.

	£.	*s.*	*d.*
Lent - - - -	41,688	13	1
Expenses - - -	1,882	10	7
Stock - - - -	16,221	12	11
Profit - - - -	3,006	5	4
Pledges taken out -	40,926	10	–
Number taken in -	85,153		
Number delivered -	80,991."		

Witness.] With regard to the alteration proposed by the promoters, there is a proposition that we should have free-trade special contracts under 2 *l.*; I do not object to free trade in that way, in regard to special contracts over 2 *l.*, but if you sanction a pawnbroker arranging with his customer what he should charge for sums under 2 *l.*, the effect would be simply this, that every dolly-shop keeper and leaving-shop keeper will immediately rush off to Somerset House, pay his 20 *l.* 15 *s.*, and become a pawnbroker, and you will immediately sanction that of which you have been complaining for years, as everybody knows the way in which they do their business.

2570. Do you mean to say that they would have power to charge such a large interest that they could pay for the license?—If you passed that clause you would sanction the very thing that they are doing, and they could charge what they pleased.

2571. Are the Committee to understand, that if there were free contracts for articles under 2 *l.*, the business would be so profitable that every one would be induced to go and take out a license at once?—Undoubtedly; and you would simply sanction those dolly-shops, which, according to the evidence, are a great evil; you would make us all dolly-shop keepers, and the effect would be that the respectable pawnbrokers would go out of the trade; we should stink in the nostrils of the public in less than 12 months.

2572. I think we have your opinion very decidedly upon that; is there any other matter upon which you wish to offer an opinion to the Committee?—I think not.

2573. It seems that in the year 1865 you delivered pledges to the number of 80,991, that you took in pledges to the number of 85,153, that you advanced money to the extent of 41,688 *l.* 13 *s.* 1 *d.*, and that the stock which you had in your business was 16,221 *l.* 12 *s.* 11 *d.*, did that include the sale stock as well as the pawnbroking stock?—Yes; that was the gross stock, but it does not include any goodwill, lease, or fixtures.

2574. The expenses of conducting your busi-

Mr. *Walter.*

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ness were 1,882 *l.* 10 *s.* 7 *d.*, were they not?—That included all expenses except interest on my own capital.

2575. Did it include any interest on capital?—Decidedly, interest on the money which I owed; I have a book here for every day that I have been in business, showing every item of expense.

2576. Does that include interest for capital?—It does not include interest on capital of my own.

2577. Does it include rent, working expenses, and interest on money borrowed?—Interest on what I owed, but not on the gross amount, and all other expenses.

2578. You would appear to have made a profit of 3,006 *l.* 5 *s.* 4 *d.* upon a capital of 16,221 *l.*, is that so?—That is so.

2579. What is the first item in this paper, called "delivered"?—That is pledges which I have delivered to my customers, and unredeemed pledges I have sold under the hammer.

2580. Then, did the pledges delivered amount to 40,926 *l.* 10 *s.*?—Yes; it was the best year that I ever had since I have been in business, but the unredeemed pledges sold are included in that amount.

2581. Mr. *M. Guest.*] You stated just now, did you not, that you thought it would be a great mistake to have free contract?—Undoubtedly.

2582. As far as I can make out, that is because you can break the law by putting in a sixpenny stamp yourself?—That is just the point. All the rest of the trade seem afraid to do it; I maintain that it is a legal and straightforward transaction, and if I could not justify it, I would not do it.

2583. Mr. *Whitwell.*] Then if there were any doubt about it you would wish it to be legalised by Act of Parliament?—Certainly. If you keep that sixpenny stamp out, you will legalise a man lending a poor fellow 2 *s.*, and charging anything he likes for it, and that would be the dolly-shop system; but it would not answer their purpose if you made them put a sixpenny stamp upon it.

2584. Mr. *M. Guest.*] Can you explain to the Committee, then, what is the use of keeping books at all, if you go to the great trouble of keeping books, and the country go to the great trouble of passing certain laws, which laws you can entirely evade by putting on a sixpenny stamp?—If you think that a person wanting to borrow 6 *d.* of a pawnbroker, upon more than a pawnbroker's rate, will pay 6 *d.* to make the arrangement, you are mistaken. That sixpenny stamp is simply to prevent the dolly-shops being legalised, and if you do not sanction the same they will all be proper pawnbrokers, and we shall all be, I believe, dolly-shop keepers in the opinion of the public.

2585. In that case, would it not be better to throw the whole thing open to public competition?—You do not understand the question at present, I am quite sure; but if you would come and stand or sit in my shop, you would be far more able to deal with it.

2586. Was there any particular reason why there was a private contract made between you and this man who sold the four reams of paper?—I suppose that you will admit that he wanted the money, or else he would not have come. If he had wanted to sell that paper, he would not have got so much as I advanced him upon it.

2587. What was the reason that you entered into a private contract with him instead of doing it in the ordinary course of business under the Act?—Because if I had lent him 2 *l.* 16 *s.*, I should have been entitled to only 8 *d.* per month, but I charged him, under my agreement, 1 *s.* 6 *d.* per month, and very cheap too.

2588. That is a matter of opinion; but what was your reason for getting the higher interest upon the four reams of paper?—Four reams of paper lying on the ground would be about four feet high, and would weigh between 5 and 6 cwt. If you consider that 8 *d.* per month will pay me to carry it into my house and lug it up stairs, I do not think it would.

2589. Do you think that any pawnbroker should be the judge of whether he should make a private contract according to the size or the different circumstances connected with the article which he has in pawn?—If the pledger is willing to pay 6 *d.* for the stamp, I think he is perfectly at liberty to make any arrangement he pleases.

2590. Do you have many of that kind of transactions with reams of paper?—I cannot get enough of them; if I thought I could get them, I should advertise for them; but trade is very scarce and I cannot lend my money; I have 500 *l.* in the till now, and some more in my bank.

2591. Mr. *Orr Ewing.*] Did you not say that you borrowed money?—I do borrow money; I could not carry on my business unless I did.

2592. Mr. *M. Guest.*] I suppose the police have no power to look into the book which you have shown the Committee?—Not unless they have the counterpart.

2593. They can examine your other books, can they not?—No, they cannot examine my books; but I allow them to do so because I and the police understand one another, and if they want any information I give it to them.

2594. Mr. Alderman *Carter.*] I should like to have an explanation of the last answer, in which you said that you and the police understand one another?—Simply this; that the police in my district know that I am a respectable man and that I have assisted them upon many occasions and given people into custody. There are the records of the Guildhall Police Court, and you can refer to them and have the clerks here to prove what I say, and many City policemen, to say that about anything that I think suspicious I give them every information I can.

2595. Mr. *Richard Arkwright.*] You stated, did you not, that one of the reasons why you objected to reducing the time during which pledges should be redeemable, was the fear that it would add largely to the number of pawnbrokers?—That is one of my reasons; I am here not in the public interest, but in the pawnbrokers' interest.

2596. Consequently you would consider, would you not, that it would be a boon to the trade?—Undoubtedly, but a great injustice to the pledger; I believe, as a pawnbroker, it would induce a number of men to come into the trade.

2597. Mr. Alderman *Carter.*] Are the names in these books real or fictitious?—A lot of them are fictitious.

2598. Then will you tell me that, in looking at this book, I can get no accurate information as to the parties pledging the goods?—About half of them I could not tell you anything, but about the other half I could.

2599. If

2599. If the police inspected this book they ıld receive no more information from it than I ?—Not the slightest; because a man coming to and pawning a watch which was not his pro- ty, would say his name was Jones when it s Robinson, and that he lived in White Street en he lived in Black Street.

600. Then you acknowledge before the Com- tee, that you keep fictitious books?—I deny I say they are not fictitious, because I say t book is kept according to the Act of Parlia- ıt.

601. Are the names real or fictitious?—How I tell whether a man's name is Brown or ith.

602. To the best of your knowledge, then, y are real?—If I pawned anything I should give my right name; no more would you, or body else in my opinion.

603. I asked you that question, because I l in this book that a certain individual, on the h of August, pledged some goods for 24 *s.*, . then during the week he pledged goods for ., 18 *s.*, 18 *s.*, 15 *s.*, 25 *s.*, 20 *s.*, 12 *s.*, 30 *s.*, ., 22 *s.*, 12 *s.*, and 35 *s.*; all those are under name; I want to know from you, whether t name was a fictitious or a real name?—The ıe given there is the man's right name; he is of those customers that I know where he s; he is an important customer to me, as I ll loose money by him; he is a man who manu- factures cricket-bats; and for some years I have done a large trade with him, but now I think I have more bats in my house than he has money to get out.

2604. Are we to understand that you are opposing the general body of pawnbrokers in their application for alterations in the Act of Parliament?—According to the late Bill, decidedly; I would sooner keep the old Act, but I want more profit.

2605. Would you wish for any alterations as far as special contract is concerned?—Not under 40 *s.*, unless as I do it with a 6 *d.* stamp.

2606. To speak honestly, is not your mode of doing business an evasion of the Act of Parliament?—Not in my opinion; but lawyers differ, and pawnbrokers differ.

2607. Do you think that every pawnbroker would be justified in receiving goods under 10 *l.* by special contract, as you do?—On a sixpenny stamp, decidedly.

2608. And you think that that would not be an evasion of the Act of Parliament?—Undoubtedly not.

2609. With reference to this special contract, I find several parties, and especially one man, pledging goods within a few days for 45 *l.*; 11 *l.*; 10 *l.* 5 *s.*; 10 *l.* 10 *s.*; and 20 *l.*; had this anything to do with what are called "duffer" goods?—No; but I have a sample of "duffing" goods in my pocket (*producing the same*).

Monday, 4th July 1870.

MEMBERS PRESENT:

Mr. Richard Arkwright.	Mr. Hambro.
Mr. Ayrton.	Mr. Thomas Hughes.
Colonel Beresford.	Mr. Charles Henry Mills.
Mr. Alderman Carter.	Mr. Orr Ewing.
Mr. Crum-Ewing.	Mr. Ridley.
Mr. Montagu Guest.	Mr. Whitwell.

THE RIGHT HONOURABLE ACTON SMEE AYRTON, IN THE CHAIR.

Mr. JOHN MORRITT WALTER, re-called; and further Examined.

Mr. *J. Walter.* 4 July 1870.

2610. Mr. Alderman *Carter.*] YOU stated the last time that you were before the Committee that you had a sample of what you call "duffer" goods with you; have you brought it with you to-day?—I have not; unfortunately I lost them going home; I have been looking for them, but cannot find them.

2611. I believe it is correct that the pawnbrokers generally have lost very much by this trade?—Undoubtedly.

2612. Is it the fact that the general public have lost as well as the pawnbrokers by this trade?—There is no doubt that the public have been defrauded by that system.

2613. Will you explain that to the Committee, because I wish the Committee to understand how the public have been defrauded and imposed upon by what are called the "duffers"?—The "duffers" pawn with pawnbrokers. They first of all deceive the pawnbrokers, that is to say, they represent things to be what they really are not; the pawnbrokers' assistants are deceived, and they get more than they are worth from the pawnbrokers, and then they employ somebody else to go and sell those tickets to the public upon the representation that the pawnbroker does not lend the value upon those goods. The parties who buy the tickets come to redeem them, and of course they lose the money that they have given for the tickets, and they do not get the value in the goods that they have paid for.

2614. Do you remember to have seen a number of letters in the papers about 12 or 18 months since, complaining of this trade?—I do.

2615. Were not those letters complaining that there was an understanding in many cases, betweeen the pawnbrokers and the "duffers," with a view of defrauding the public?—Undoubtedly; and a pawnbroker has been taken into court and has admitted his guilt, and was fined by the magistrate for that offence.

2616. Inasmuch as when there is, as you must know, an understanding between the pawnbroker and the party pledging the "duffer" goods, there is no protection to the public, can you suggest any means of protecting the public from those frauds on the part of the unprincipled pawnbroker and the "duffer"?—I can do so, and I hope that this Committee will carry my view out if it is sound. I propose that any one pawning a pledge for any amount with a pawnbroker, if he find before it is run out of time that it is out of hi power to redeem it, or that he wishes to dispos of it, he shall go to the pawnbroker and give i his duplicate and a small fee to cover the expens of the sale, and that the pawnbroker shall be boun to sell that particular article by a public auctionee at his next auction sale, and that it should b illegal for a party who has pawned anything wit a pawnbroker, to sell the ticket. That is th only remedy which I can imagine which wil cure this evil.

2617. Do you know of a practice among pawn brokers, of making up the goods which they d not succeed in selling by auction, putting paw tickets upon them, and then giving those paw tickets to their customers to sell, and thus b those means defrauding the public?—Undoubt edly we of the trade know it, through our protec tion society, but there are very few in the trad who would do such a thing.

2618. Then, what would you suggest to remed that evil, which, in my judgment, is as great a the other?—You must make any amount whic a pawnbroker lends come under the Pawnbroker Act, whether it is over 10 *l.* or under. At prese the limit of the Pawnbroker's Act is 10 *l.*; if is over 10 *l.* a pawnbroker may do anything h pleases by a special agreement. If you took m suggestion, and made every transaction by an pawnbroker carrying on trade, whether he le 50 *l.* or 100 *l.*, a pawnbroking transaction, I thin that the argument which I used in regard to th other matter would cure that evil, and no othe can possibly touch it.

2619. Do you think that it would cure th evil if a clause were inserted in a new Act, t deprive a pawnbroker of his license if he wer convicted of any such practice?—I think th my view would be much more sound, because man would never lock up property with a pawn broker when he could sell it under the hamme If you made it illegal for a person to buy pawn brokers' tickets, no one could be defrauded regard to the article which the ticket represent The evidence which you have had has, I thin satisfied you that nothing is more false than th a pawnbroker derives a large profit on the sale unredeemed pledges, taking the whole of th unredeemed pledges which he sells, or that th amou

nt which he receives comes to the principal interest. I do not think there is a house h can show such an account.

20. What was done with those pawnbrokers were brought up under those charges to h you have referred?—One of them was or punished at Worship-street. He ad- d the transaction and paid the penalty; but get now exactly what took place there.

21. Mr. *Whitwell.*] What is the penalty for ing goods, intended to deceive the pawn- er; that is to say, "duffer" goods: is it ob- ng money under false pretences?—When an make a case, it is obtaining money under pretences, and we have several times suc- ed in punishing them; but a more difficult we cannot have to deal with.

22. In a list of articles sold by auction which left with me on the last day the Committee one column represents the goods sold, and ier column represents the goods bought; is so, is it not?—That is pledges bought by lf.

23. Is this a true representation of the goods on behalf of the pawners, you being a pur- er at the sale of the goods?—I bid against public at the auction sale, and I am sorry to that I buy more goods than I wish upon y occasion.

24. Mr. Alderman *Carter.*] Do you know of actice of this kind, where a pawnbroker for "duffer" goods puts on the ticket a much er sum than he lends, so as to enable the ffer" to sell the ticket with more advantage mself?—There have been cases where pawn- ers have admitted that fact, and have returned noney of which they have defrauded the pub- but there have not been many such cases.

25. Colonel *Beresford.*] I suppose you wish o understand, by your saying that you buy le than you like, that you bid for them in r to get a good price, and that then they knocked down to you unexpectedly?—Un- otedly. When we sell the goods of course enter what they cost, and then two of my ng men go through them without knowing t they cost, and put their judgment upon article. If the room (that is, the public,) more than our judgment, they have the ds; if they bid less I buy them in myself, purchase them as if I was one of the general lic.

26. Mr. *T. Hughes.*] Then how do you wish lter the auction system?—The honourable nber for Leeds referred to this selling of licates. I have thought over this matter, I can see no other cure whatever for this but this: that as regards any person pawn- a pledge for any amount at a pawnbroker's, rom disinclination to redeem it, or from not ting the article, he does not redeem it, and as reason to believe that the article is worth e than it is pawned for, he should go to the nbroker and say, "I cannot redeem this, I h you would sell it by auction at your next ," I would make the pawnbroker deal with it separate transaction, so as to enable the pawner ecover the overplus. There are a large number people who pledge articles with pawnbrokers, resenting that the articles which they pledge of higher value than they are really worth, then they sell the ticket to some other person; t they rob the pawnbroker, and then they rob parties who are fools enough to buy the tickets,

and that is an evil for which I cannot see any remedy without making it illegal to buy and sell pawnbrokers' tickets.

Mr *J. Walter.*

4 July 1870.

2627. But the pawnbroker and the pledger might arrange that now, might they not, without any change in the law if the pledger came to the pawnbroker and said, "Put it up at your next sale, I cannot redeem it"?—That applies only to pledges over 10*s.* If you do not redeem the pledge, I am bound, at the expiration of 12 months, to sell it by auction.

2628. In the meantime the pledger can come to the pawnbroker and say, "Please put that up, and let us get rid of it"?—We are not allowed to buy anything in our business, but I want to stop the "duffers" selling their tickets.

2629. But you are allowed to sell, are you not?—I do not know any pawnbroker who would sell a thing unless it was out of time.

2630. What change with regard to auctions would you propose?—It simply applies to this question of "duffing" goods. If you make it illegal for a person to sell a duplicate, you immediately stop the "duffer's" occupation. He first robs us by misrepresenting the value of the thing, and he next robs somebody else by representing that it is worth much more than it has been pawned for. I cannot suggest a remedy, except making the sale of duplicates illegal.

2631. Mr. *C. H. Mills.*] Would you extend the sales to articles below 10*s.*?—Only when asked by the public to do so. As a rule, it would be ridiculous to sell every article by auction; but I would give the pledger the power to go to the pawnbroker and say, "I demand that this be sold by auction," giving his name and address, and a fee, and let the pawnbroker forward the account of the sale to him. That would kill the "duffing" trade, and I cannot see any other way in which you could possibly deal with it.

2632. Mr. *T. Hughes.*] Then do I understand you to say, that you would like the Act in future to apply to all transactions of any amount?—I do not object to it, but under 10*s.* only, at the express wish of the pawner.

2633. I thought you distinctly seemed to approve of it?—I say that you cannot do away with the evil without doing what I have stated. Let every transaction be a pawnbroking transaction of whatever amount it might be.

2634. And you do not think that there are sufficient grounds for any distinction either of 10*l.* or of 40*s.*, or of any other amount?—No; but under 10*s.* I do object to being compelled to sell by auction. The small amount and the expense render that impossible; but I would give the pledger the right, if he felt he could not redeem, to come and say, "I wish that coat pledged for 4*s.* to be sold by auction, and let me know the result;" and I would make it illegal to sell the ticket. You would by that means immediately cure the "duffing" trade in which some people have said here that there are 10,000 persons employed; and I fully believe it.

2635. *Chairman.*] How much would you charge for the special sale?—I alluded to 6*d.* instead of 1*d.* I think that would satisfy the trade. You would be astonished to know the few instances of persons applying for an overplus. For 1*d.*, a person now can demand the whole transaction. I say that is ridiculous. If it is worth while coming, let him pay us 6*d.*; and I think that would be a fair sort of thing between man and man.

Mr. *J. Walter.*

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2636. Mr. *T. Hughes.*] Sixpence is rather heavy, is it not?—I was alluding at that time to a transaction over 10 *s.*

2637. *Chairman.*] Do you think that it would be fair that the pledger should pay 6 *d.* in a special transaction over 10 *s.*?—Yes, undoubtedly.

2638. Mr. *Orr Ewing.*] You stated, did you not, the last day that you gave evidence that people were so loath to give their real name and address that you had ceased to ask for the name and address, and that you put down anything out of your own imagination?—I beg your pardon, not the name; my remarks applied to the number of the house and the street, and the "housekeeper" and "lodger."

2639. *Chairman.*] And the Christian name?—And the Christian name.

2640. The surname is what you ask for, is it not?—Undoubtedly.

2641. And nothing more?—Nothing more, I think; it is against human nature to say that they would give their right names if they wanted to borrow 5 *l.* or 5 *s.*

2642. Mr. *Orr-Ewing.*] What do you think is the reason that people are so loath to give their names?—There is a pride about our customers; they do not like to go into a pawnbroker's for a loan of 5 *s.* or 10 *s.*, giving their names and addresses, because it is not like a solicitor's office or a private office; but we have 10, 20, or 100 people at one time in our shops.

2643. Do you know any other trade where the same dislike exists to giving a proper name and address?—I do not know any other trade that is in the same position.

2644. *Chairman.*] Except the trade in poisons; pledges and poisons are on the same footing in that respect, are they not?—Yes.

2645. Mr. *Orr-Ewing.*] Do they not give their right name and address?—I should say they did, but that is different to pawning an article for 2 *s.* 6 *d.* or 5 *l.*

2646. When some pains is taken to discover the name and address of the person who is pledging an article, do you think it is not useful?—I do not think there is the slightest use in it, in any shape or way.

2647. Do you think that the parties doing business should not be known?—If you could show me how I could carry on my business under that system I should be very happy; but I say it is perfectly impossible.

2648. It would be a great trouble to the pawnbroker, but would it not be a considerable benefit to the public?—Not the slightest in the world.

2649. Would it not prevent the possibility of stolen goods being often pledged?—Undoubtedly not; if a person goes into my shop with a stolen article, he gives a false name and a false address, if it is asked.

2650. Supposing that he were obliged to bring a known householder to certify to the fact that he was a *bonâ fide* customer, and that his address was correct; would not that obviate the difficulty?—My shop is not large enough to do my business in at the present time, and it would be worse still if every pledger had to bring a householder with him every time he came to my shop.

2651. But what do you think would be the effect upon the public?—I do not think that you would get a householder to come and trouble himself about such a matter; if he did he would want to be paid for his trouble. I should lik this Committee, if it was within their power, t order every pawnbroker in Great Britain to sto lending a farthing to anybody for a month. N thing else, I believe, will enlighten the public to what pawnbrokers do, or what they are require to do, or what use they are to the community large.

2652. You heard the evidence of Mr. Keeso who told us that in France they did not allo anyone to pledge an article for a smaller su than 2 *s.* 6 *d.*; would you have any objection that system being introduced into the pawn broking of this country?—I think it would b very hard upon the poorer classes.

2653. But would you have any objection, as far as your own trade is concerned?—So far my own trade is concerned, I should not ind vidually object to it.

2654. It is not a remunerative business present?—The low business does not pay suf ciently.

2655. Do sums so small really confer mu benefit upon anybody?—If they want a shillin it is very useful; there is no other mode of gettin it; poor people cannot borrow; if they borrow a shilling of a friend, he would want a pot of be when he lent it, and a pot of beer when it w repaid, and that would cost about 8 *d.*

2656. Are those small sums generally spent pots of beer?—I believe the borrower would ha to stand at least a pint of beer, which wou cost 2 *d.*

2657. Supposing that they had not the facili of obtaining money by pledging articles, wou it not make poor people more frugal?—Wh the Education Bill has been in force for abo 50 years, I believe it will have a great effe upon them; but I think that at present it wou not be of the slightest use in that respect.

2658. Do you think that if the people were a better position as regards education, there wou be less pawnbroking?—Undoubtedly. I thi many of my customers are very foolish; th appear to be about 10 *s.* behind the world.

2659. You have stated, have you not, that t parties dealing with you were so ignorant th they could not properly understand transactio under the special contract system?—Yes, u doubtedly; I have taken the last 24 affidav from persons who have lost their tickets, and o of the 24 there are 13, none of whom could wr their names (*handing in* 13 *affidavits*). My you man had written the name, and had put "h mark," and the pledger has made a cross, and t magistrate signs it, and I deliver the pledg those parties would not be able to deal wi these special contracts; it would be impossib I hope that the Committee will give serious co sideration to that question; to allow contracts be made, and any interest to be charged, wou be taken advantage of by a large number people, and would cause more litigation, and mo complaints before magistrates than anything e could possibly do; over 40 *s.* I have no objecti at all to special contracts.

2660. Mr. *T. Hughes.*] Will you explain a mark which you made just now, that is, that y would be glad if we had the power that we shou stop all loans made for a month, because you s that the effect would be to show somethin what would it show?—I believe that the pub have no idea of what use a pawnbroker is to t nation; I maintain that it would make a revo ti

in a small way; you have no idea what it d cause; as to the landlords they would not their rent, which would be an inconvenient ; another thing would be that it would very h inconvenience the public generally, the le as well as the lower classes.

61. Do you think that it would make it that the pawnbroking business is one of great value to the lower classes?—Unitedly, and that the business of the country l not be carried on, I believe, without it.

62. Mr. *Orr-Ewing.*] The pawnbroking ness you mean?—No; I mean the business e country; pawnbrokers are as necessary to ation as bankers are to the tradesmen, and e the bankers of the poor people.

63. Mr. *Hambro.*] Is it not the fact that brokers have a table of interest which they in their own possession, and on which they late the rate of interest to be charged upon hole; have you a printed table of interest h, I believe, is published by the editor of Pawnbrokers' Gazette"?—I have, but that d not enlighten you on anything you ought y, if you pawned anything at my house *ling in a paper*).

64. Is that the one which is generally in use e trade?—That is according to the Act of ament; it is no information to the public.

65. Is this the one generally used?—Yes.

66. Is it affixed in the shop where people ee it?—It ought to be; but I have never one in my shop.

67. Are you aware whether it is generally where the public can see it or not?—As a it is.

68. The 3rd section of the Act says, "That ll cases where any intermediate sum lent any pawn or pledge shall exceed the sum of 6 *d.* and not exceed the sum of 40 *s.*, the pertending the same shall and may take by way rofit as aforesaid, at and after the rate of 4 *d.*, no more, for the loan of 20 *s.* by the calendar th, including the current month as aforesaid." you aware whether this table is calculated ctly?—A large number in the trade believe at fractional rate; but I do not.

69. But is it the custom of the trade in the which they adopt to ignore the fractions of ings?—A large number agree with me, and re fractions.

70. Is it their custom to do so?—A large ber do not take the fractions, and a large ber do take the fractions. I am one of those do not take the fractions, because I do not ve that the Act of Parliament meant it.

71. Mr. Alderman *Carter.*] You do not obey Act in that respect?—I do not obey it. decision is not so satisfactory as to cause a to give up 10 *l.*, 15 *l.*, or 20 *l.* per annum, or tever it may be.

72. Colonel *Beresford.*] What rate of intedo you charge for 3 *s.* for a month?—Three ings for a month, and three farthings for y month afterwards.

2673. What do you charge for 4 *s.*?—One penny per month, and 1 *d.* for every month afterwards, so the Act distinctly says, and my customers know it; they know what they have to pay. Mr. *J. Walter.* 4 July 1870.

2674. Mr. *Hambro.*] Is there not another pawnbrokers' rate of profits for sums above 5 *s.*, this being only up to 5 *s.*?—No, that is the only one; it is a copy of the Act of Parliament. There is a difference of opinion about the reading of that Act of Parliament. The matter has been decided in the Court of Queen's Bench, but it was so unsatisfactory that I admit that I do not agree with it. With regard to the question of free contract, I should like to ask how it would apply to towns where there are one, two, three, four, or five pawnbrokers. In such cases the customers of the pawnbrokers would be entirely in their hands. I think it would be very unfair.

2675. *Chairman.*] Your practice of making free contracts, whether legal or illegal, has been limited to pledges of what amount?—I have made them down to 30 *s.*, but always use a sixpenny stamp; that is my argument upon those transactions.

2676. And the practice which you have taken to yourself you would not allow to anybody else?—Undoubtedly I would; I think it is right and legal; and if you will allow anything to be done on a sixpenny stamp, it will prevent those dolly-shops and leaving-shops being legalised.

2677. Mr. *M. Guest.*] You do that now?—I do. My point is that I am doing that which I am entitled to do; and if you sanction that, it would prevent a man lending 2 *s.* and charging 2 *d.* or 3 *d.* a week, because they would not pay the 6 *d.* for the Government stamp. Free trade in pawnbroking has been tried for years in Australia. I have not heard it mentioned in this Committee, but it was tried in Australia, and there it failed *in toto.* Mr. Mechi, the Attorney General, in 1859, in less than a week, got the Bill read a first, second, and third time to put a stop to it.

2678. Mr. Alderman *Carter.*] Is it not pretty much like free trade if you set the Act of Parliament at defiance, and say that you are not bound by it; is not that free trade to all intents and purposes?—It is my reading of the Act; you and I differ upon it, and so did the judges at the Court of Queen's Bench.

2679. Supposing that every pawnbroker read the Act as you do, there would be no Act of Parliament for pawnbrokers, would there?—I beg your pardon; I strictly adhere to the Act as I read it. In Australia the charges were so extortionate that Mr. Mechi, the Attorney General, happened to hear of it, and they put a stop to it immediately.

2680. Mr. *Orr-Ewing.*] What is the system now?—A fixed rate.

2681. Is it the same as it is here?—It is a fixed rate, but it is very much more per cent. than it is here.

Mr. Richard Attenborough, called in; and Examined.

82. *Chairman.*] Do you carry on the busiof a Pawnbroker?—I do.

83. At what place?—In Piccadilly.

84. Do you carry on business chiefly in small rge pledges?—In large pledges.

2685. Do you carry on business to any considerable extent above the pawnbroking limit by special contract?—To a considerable extent. Mr. *R. Attenborough.*

2686. Is the chief part of your business under 10 *l.* or above 10 *l.*?—Above 10 *l.*

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2687. Do you look for your remuneration, or for your profit, chiefly to pledges below 10 *l.* or above 10 *l.* relatively to the capital employed?—I look upon my business as an investment of my money in this way: that if I get so many thousands invested at 15 per cent. per annum, I know the working expenses range from 5 per cent to 7½ per cent., and then there is 7½ per cent. profit. I know that over 5 *l.*, every pledge is paying 15 per cent. per annum, and the working expenses run over the whole amount; and that removes all necessity for going into the cost of the lower pledges.

2688. Is it your opinion that the pledges under 5 *l.* are not so profitable as those above 5 *l.*?—I think from 1 *l.* upwards the pledges are profitable; but it depends rather upon your neighbourhood; I had rather not take in a pledge (if I could take in any number I wanted) under 1 *l.*

2689. Is it your opinion that the scale of profit diminishes with the value of a pledge under 1 *l.*?—It is.

2690. With regard to the risk in taking in pledges, do you find that the risk of being imposed upon by goods being pledged for amounts beyond their value is greater or less with regard to larger or smaller pledges?—I do not approve of any man being imposed upon; I think a man ought to know his own business, and if he is not satisfied that the pledge is worth the money he ought not to take it in at all.

2691. Do you find that there is a disposition to bring inferior goods, and to pledge them beyond their legitimate value, and that that occurs chiefly in the smaller or higher classes of goods?—The "duffers," whom I have heard mentioned, are not at all particular. If they think they can do you with a 50 *l.* pledge they will try it, just as much as with a 50 *s.* pledge; but with the larger pledges we have a much more respectable class of people to deal with, and we are much better able to distinguish between a gentleman wanting money and a person pledging goods for profit.

2692. Do you think there is any advantage on having a fixed statutory rate for pledges under 10 *l.*?—I do.

2693. What, in your opinion, is the advantage derived from that?—I think that the poor people certainly ought to know what they are going to pay, and my chief reason for wishing to give evidence is that, under the present Act of Parliament, I do not think that they do know anything at all about what they have to pay. I think that the rate of taking profit should not be a rate of interest for pledges under 2 *s.* 6 *d.* It is not a rate of interest at all, but it is a fee for the loan of the money, and the work done is the thing which is paid for, and not the interest for the money. Sometime ago I thought it out rather carefully, but my own idea would be that a person borrowing 3 *s.* should pay a penny, that whether he redeemed the pledge in a month or two months (I would work it out carefully if your honourable Committee wished me), that he should pay a penny at the time of pledging, and nothing when he redeemed it; that for three or four months he should pay 2 *d.*, and that for five and six months he should pay 3 *d.* When the pledge is made he should pay the first 1 *d.*, and when it is redeemed the second 1 *d.*, and I would have no half months and odd days. The odd days I think are a great mistake. If a person pledges an article, he knows that on the 31st day he will have to pay a second month's interest. The pawnbrokers cannot alter it at all, so that it is their interest to go on the 30th day, and it is no use trying by giving 10 days grace to evade it. That would be much more simple, and I am quite sure that the poor people would save more money by having an explicit rate where they had not to calculate farthings and where they had not to calculate half months but where everything was laid before them when they went into the pawnbroker's shop, 99 out of 100 poor people who go to redeem their pledges are entirely dependent upon the pawnbroker as to how much they have to pay; whereas if it were a simple rate, the pledger would reckon up his money and pay it, and if anything were wrong he would go and inquire about it; it is utterly impossible for them to do that now.

2694. Then would you have that charge printed on the tickets?—If you charged a 1 *l.* when they pledged the article, and if at any time within two months they might have it back for nothing, it would become familiar to them in less than a month.

2695. For what period do you think it desirable that goods should be pledged, so as to enable the pawnbroker to sell if they were not redeemed?—I quite agree with the six months' forfeiture, especially for wearing apparel and those things; I would not make any difference for plate and jewellery, but the great thing is to keep simplicity, and to get a uniform system as simple as possible.

2696. Without giving odd days of grace, that a month means a month, and not 27 days or 30 days?—Quite so; half the people know nothing about the three months, and those who do forget it when the three months have expired. It is the elaboration of the Act which makes it so unsuitable I think.

2697. Do you think that up to a certain time there ought to be a positive fixed scale to which everybody could refer?—I think so; for instance if you have free trade, you will have every dolly shop keeper a legitimized pawnbroker, and I cannot think that the persons who advocate free trade would like to associate themselves with such persons.

2698. At what point would you have special contract?—I am quite satisfied with the present limit, but I do not think there would be any harm in reducing it to 5 *l.*, although I think it would make the trade more difficult to carry on.

2699. Have you considered the expediency of having a fixed simple rate, such as you have described to take effect in case no special contract is made?—Certainly.

2700. So that the party might have the option either of proceeding upon the Parliamentary rate, or of making a special contract?—I do not know that I should give the privilege of making a special contract for small sums.

2701. Supposing that there were a Parliamentary rate, unless there were special contract, what limit would you fix for the option for special contract?—I have not thought it out carefully, but I should think perhaps up to 3 *l.* or 5 *l.*

2702. Have you had any experience in taking in small pledges for articles of domestic convenience which require trouble and space?—Yes; I know that they do not pay for the trouble that they give; it is quite certain that they do not.

2703. Therefore, do you think that pawnbrok

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brokers are prevented from advancing upon a rge class of commodities?—Yes; my own men ok in a grand piano some time ago for six uineas; all I could charge was 1*s.* 6¾*d.* or . 7*d.* per month for that, and then I should be ound to keep it for 12 months, and warehouse , and sell it by auction; whereas any of those rniture warehouses would have charged, I ould think, at least 1 *l.* for warehousing alone.

2704. There is an established rate, is there ot, for warehousing pianos by people who make their particular business?—I do not know it of y own knowledge, but I have no doubt that ere is a rate.

2705. Do you consider that you should have a ght to charge that warehouse rate?—I think at it would be a very fair thing to allow ware- use room to be charged for upon all bulky ticles, and I think it might easily be arranged.

2706. Do you think that it would pay to take a feather bed for 5*s.*, for instance?—I do not; the first place, it has to be taken in and folded , and it is a very great trouble to fold it up; I ve folded up many a bed of the kind.

2707. Do you think it desirable that the public ould have the convenience of having money lvanced upon every conceivable article?—I ink it would be an advantage to the public that gitimate traders should be able to do their busi- ss. If the legitimate pawnbroker cannot do e business, they are sent to brokers and leaving ops, where, no doubt, needy people are plun- red.

2708. Do you find that any advantage arises om the provision which compels you to endorse e charge upon the duplicate?—I rather like it. ou are able to see, in reckoning up your interest r the day, whether you have charged the right te, and you know very well that it renders it ry easy for you to calculate your day's profits.

2709. Do you find that the public look at the dorsement which you make?—No; the public ke no interest in the thing whatever.

2710. What is the object of the Act of Parlia- ent making a man do something which does not ncern the public?—I think the object of that ct was that the ticket should be produceable in se of an information; and it must, of course, nless forgery or a penal act was committed, be vidence as to the amount which was charged, d, of course, it it were endorsed for more than e interest due, it would be evidence against the wnbroker himself.

2711. Do you think that that is preferable to ntering the charge in a book?—Yes; I think it simpler and more satisfactory, because each ansaction carries its own evidence with it.

2712. Is the duplicate particularly capable of eing kept and identified?—Yes, it is used, be- ause no matter what laws were passed, I should ave every article crossed off in my book; that to say, I should put at the side of the entry in e book the day when it was redeemed, and ose tickets can be filed and kept. They are ept three years under Act of Parliament, and ere is no objection to that at all. To anything hich makes the business simpler I have no bjection.

2713. In point of fact, what is wanted is, that he pawnbroker should keep an accurate record f whatever charge he makes, so that in case of ispute as to legal charging he may produce his ecord made at the time?—Certainly it ought to e done.

2714. Do you think that if the rate of interest were made so simple that everybody could understand it, there would be any necessity for the Legislature to trouble itself about the record of the charge?—I do not know how the common law would act in case of anybody taking double the understood rate. That is for lawyers or law makers to arrange. It would depend upon the ease with which a pawnbroker could be brought to conviction, as to his taking wrong interest. It is not the amount of penalty, but it is the ease with which it is obtained. I think that a small penalty easily obtained would be much more conducive to the proper conduct of business than a large penalty very difficult to be enforced.

2715. Have you found any difficulty in applying the clauses which relate to the giving up of goods when the duplicate is lost?—My customers are very careful, and I have very few cases of that kind. Sometimes I break through the law. If it is a gentleman or lady they have a special aversion to going before a magistrate, and I very often allow them to have the pledge on having their receipt on the back of the ticket. I take care to know that they were the owners of the property when it was pledged, and I do not believe that the people would come to me with a lie, saying that they had lost the ticket when they had sold it. If I give up the property I render myself liable to an action for loss, but I run the risk on my own account.

2716. Has it ever been decided that if a man gets a ticket without notice to a pawnbroker he has any claim upon the pawnbroker?—I have not heard of any one suffering from that, but there is no doubt that we are liable; if we infringe the law we must take the consequences.

2717. What is there in the law which makes you liable?—Simply the fact that in case a person loses a ticket, an affidavit is to be made; and if we deliver a pledge without an affidavit, and the person has sold the ticket, I think we should be liable to the person to whom the ticket was sold for damages, at all events, if for nothing else.

2718. Has it been decided that the person purchasing the ticket can claim from the pawnbroker?—I do not know; I have never heard of it, but I should think his claim would be good without giving notice.

2719. Mr. *T. Hughes.*] Do you remember any loss taking place through that?—I do not. If we know a customer pretty well, and know him to be respectable, we take the risk; at least I do; many people will not do so; most pawnbrokers insist upon the affidavit being taken, but my customers are of rather a respectable class; it is an exceptional business.

2720. *Chairman.*] Do you find, in your class of business, that there is any indisposition on the part of the pledgers to give their true names and addresses?—I think there is a very great objection to doing so.

2721. Have you your suspicions as to that?—Very great, except where the amount alone is sufficiently large to make it advisable to insist upon a reference to a lawyer, or upon some evidence of the person being entitled to the pledge. I think most gentlemen and ladies give a false name and address.

2722. They do not choose to have their true name entered in your books?—They do not; they have always an idea that if their name is given it is known or may be known.

2723. Or do they think that it may be used for some

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some purpose?—I do not think that is their idea; it is nervousness, I think, as to being short of money; it is an exemplification of the old adage of being poor and seeming poor.

2724. Do you think that the more respectable the people are the less they are likely to give their true name and address?—I think so; you have quite hit the blot.

2725. Therefore, the law only compels them, as it were, to tell a story?—As to asking their name and address being a guarantee as to the proprietorship of the goods, it is quite a mistake altogether; unless, as I have heard suggested here, you insist upon a housekeeper accompanying the pledger, which would be quite impracticable.

2726. If a person were honestly pledging goods, at all events he would not give his true name and address, I presume?—No, certainly not; although he is quite as likely to be a respectable man, and probably the more so, because he would have no fear of his name being known, if he did not think that it would have any effect one way or the other.

2727. With regard to the investigation as to whether a person is a housekeeper or a lodger, is the question generally asked, or is the form dispensed with as a rule?—I tell my young men to comply with the Act of Parliament; but if I went into the shop and found one of my young men wasting his time asking whether a pledger was a housekeeper or a lodger, when there was plenty of other work to do, I quite think I should say to him, you had better not waste your time in asking those questions, it is quite useless.

2728. Are many applications made to you in your better class of business to renew pledges?—A great many.

2729. Do you keep them under renewal for a considerable time?—A considerable time. I have pledges in my house that have been in the house I should think 20 years.

2730. Have those been steadily renewed?—They have been steadily renewed.

2731. Can you give the Committee any idea of the proportion of pledges that are abandoned to those that are redeemed or renewed?—In my case it is very small. I do not think it is five per cent. either in number or in the amount.

2732. Do you find as a rule that you gain or lose on the whole sale of your forfeited pledges?—I generally gain.

2733. Do you receive applications after the time has expired for the surplus in any cases?—I am sorry to say that I do; and I think it is unjust, for this reason: if I have a sale by auction, I sell from 1,000*l.* to 2,000*l.* worth of goods in a day; it is very seldom that I get the amount of interest to which I should be entitled if those goods were redeemed. I sell, perhaps, 10 per cent. of those pledges for a good profit, and a person comes and takes the overplus on those, while I have no opportunity of recouping myself on those I have lost by, so that the profit is all taken. I have known a case where some goods fetched a long price. I have paid the overplus on those goods, and instead of my goods paying me a profit, it has actually reduced the sale to a loss.

2734. Is it your opinion that the contract ought not to be one of absolute forfeiture in case of redemption?—I think it should be on small sums, but that on larger sums we ought to be bound to pay overplus. On sums under 10*l.* (and it is not in my own interest that I am saying this). I am quite sure that you might take 99 pawnbrokers out of every 100, and their sales do not pay them 15 per cent. of the interest that they would fetch if the goods were redeemed. I think it is a hardship for one customer who has, perhaps, been to the sale and seen his goods fetch 20 per cent. to go and take that overplus, and leave the pawnbroker to lose on those that sell for less than the amount.

2735. On the other hand would he not say that it was very hard that he should suffer loss because you had conducted your business incautiously?—There is that, but he has the opportunity of redeeming them; I really think that the competition is so great that it will always control the pledges, and the pledger knows that. He will not leave a sovereign for 17 *s.* for instance.

2736. In your case it would be necessary to alter the character of the contract, and make an absolute forfeiture if the goods were not redeemed, would it not?—I think that as regards the amount to which the Act of Parliament extends, it should be so.

2737. Then the pledger would have no cause to complain, because he would pledge his goods under the conditions specified?—Yes, any respectable pawnbroker would tell him when the goods are to be sold, and he can attend the sale and buy them if he likes; I have known a customer of mine go and attend a sale and buy the goods for less than the principal and interest; I had a case only six months ago, where a man bought a thing of his own pledging, for less than I lent on it.

2738. In that case do you consider yourself bound by law to give him the goods?—Yes, I am bound by law to give him the goods.

2739. But have you no right to claim the deficiency from the person who pledges?—Yes, I have the opportunity of summoning him at the county court.

2740. Mr. *Hambro.*] You can put a reserve price upon the article, can you not?—Yes; but it is better to sell it for what it is worth, than to lose the interest upon it; if I have lent too much upon it I have no remedy.

2741. *Chairman.*] But in that case have you not the same remedy as all Her Majesty's subjects, of suing the person in court to recover the money?—No doubt.

2742. Mr. *Orr Ewing.*] Do you ever buy in at your own sales?—I do.

2743. *Chairman.*] What is the time that you generally fix in your own contracts above 10*l.* for the redemption of the goods?—Six months.

2744. In those contracts do you provide for the sale of the goods?—Yes; it is stated in the contract.

2745. Do you agree to account for the surplus, if any?—I agree to account for the surplus, if any.

2746. And I suppose the person who borrows agrees to pay the deficiency, if any?—He does.

2747. On the special contracts, do you generally get the whole amount, or do you have occasion to call upon the borrower to pay the deficiency?—I do not think I have ever gone to law with a pledger for a deficiency; I may have threatened to do so, but I do not think I have ever recovered under such circumstances.

2748. In the case of large contracts, do they often drive you to sell, or are the pledges generally redeemed?—I think the average sold would be

about five per cent. upon the whole of my siness.

2749. Do you think there is much difference that respect between unredeemed goods below *l.*, and unredeemed pledges above 10*l.*?—No; ink it is about the same.

2750. Do you, in your special contracts, have rinted form which you adhere to?—I have.

2751. Does a pledger accept it, or not, as he ases?—I never had it once objected to in my . I never had a question raised as to the terms the contract.

2752. Have you a copy of it here?—I have ; but it simply gives me an opportunity of arging 15 per cent., with the power of sale.

2753. Will you send in to the Clerk of the mmittee a copy of your contract?—I will.

2754. Mr. *Hambro.*] Yours is, perhaps, the gest business in London, is it not?—I should ink it is perhaps as large as any.

2755. Is the new house in Piccadilly, at the rner of Sackville-street, yours?—That is mine.

2756. Have you found the business a remunetive one?—Yes.

2757. Are your expenses, in the trade, larger an the expenses in small businesses?—No; on contrary, they are smaller in proportion.

2758. I imagined that the articles pledged th you were so valuable, that you had to take re care of them; is not that so?—It is not at; we keep one good strong room.

2759. From your own personal experience, do u know much about the working of the Act ong the poor?—I do. I have done a very ge business, in the low trade alone, at one time my life.

2760. You say that you have lost by your es at auctions; does that mean that the articles ich you put up did not fetch the reserved ce?—We mark them at what we think the lue, no matter whether a pledge is for 5*l.* or ; if it is only worth 3*l.* we sell it.

2761. It is your idea that free trade in pawnoking would be very disastrous to the trade nerally?—It would be very difficult to say; I ink it would be very diastrous to the poor ople; it would bring in a very low class of rsons who would come into the trade, who uld defraud the poor. The trade is bad ough, and there are plenty of blackguards in now, and a very little more would induce me get out of it.

2762. In fact, do you think that free trade uld be injurious to the public and to the wnbrokers?—I think so.

2763. Mr. *T. Hughes.*] When you reckon 15 r cent. you reckon it because that is the rate which you do your contract business, I preme?—That is the rate at which I do my busiss.

2764. But for all the business below the rate which you begin to enter into contracts, you t a higher rate of interest according to the Act Parliament, do you not?—I do; but I should ink that 75 or 80, or perhaps 90 per cent. of my siness is 15 per cent, business. Sums up to *l.* are liable to 20*l.* per cent., and I should ink 90 per cent. of my business is 15 per cent. siness.

2765. You reckon, do you not, that the exnses of the business are 7½ per cent., the other lf being profit?—Yes.

2766. You stated that you think that pawnokers ought to be bound to keep a record of all their transactions; surely they are bound to do that now under the Act, are they not?—Yes; they endorse on the back of the ticket the amount of interest that they take, and they discharge that ticket in their books.

2767. But is not that almost as perfect a record as could be requird and kept?—Yes; I do not think that anything more is requisite; they are bound to keep that, and produce it if necessary.

2768. You do not propose to have any more stringent clauses as to that?—None at all; if that is properly carried out it is enough for all purposes.

2769. Mr. *Mills.*] You said, did you not, that all pledges below 3*s.* should pay a penny?—Yes.

2770. And you propose that the penny should be paid on the pledging for one or two months?—Yes; I intend that to be for two months.

2771. Instead of its being three farthings for a month?—Yes; that is to say that it should be liable to be redeemed at any time within two months for nothing; and that for pledges under 3*s.*, it should be another penny for two months longer. I would have no halfpence; I think all those fractional sums are a great nuisance; the people do not understand them, and if you give them farthings they give them to their children for suckers.

2772. Would you reduce the charge from three farthings to a halfpenny?—So many of the pledges are redeemed weekly, that although it would be an advantage to the poor in some cases, it would be an advantage to the pawnbroker in the other. I am quite sure that the advantage to the poor in knowing what they have to pay, and the calculation being so simple, would be a general benefit.

2773. You would have no time less than two months, and for that you would charge 1*d.*?—For that I would charge 1*d.*, including the ticket. My own idea is, to cover the expense of the transaction when it is carried out.

2774. Mr. *Orr Ewing.*] Supposing that the pledge was kept for 12 months, would it be 1*d.*?—No. In the first place I would say that it should be only a six months' transaction, and then I would charge 1*d.* for the third and fourth months, besides the penny taken when it was pledged; and 2*d.* for the fifth and sixth months; that would make it 3*d.* for the six months; 1*d.* when it is pledged, 1*d.* for the third and fourth months, and 2*d.* for the fifth and sixth months.

2775. *Chairman.*] A penny additional if it is redeemed within the third or fourth month, and 2*d.* additional if it is redeemed within the fifth or sixth month?—Quite so; they have got the expenses of the transaction paid on the first and second month.

2776. Mr. *Mills.*] You would wish to limit the time of forfeiture to six months, would you not?—I think it would be an advantage.

2777. Would not that be a great advantage to the trade?—The goods would be more saleable, and I think the poor people would be much better able to pay the interest.

2778. Of course it is a great advantage for a person to be able to redeem at the end of six months, if he can?—Exactly. For instance, in the spring a person pledges a thick coat or a blanket, or anything of the kind, and when the winter comes on he is reminded that he wants his things.

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2779. Do not the seasons coming round remind him that he wants his things?—Yes, of course; and it induces him to redeem them, unless they are forfeited.

2780. He would make an effort then, I presume, because he would want the article?—No, not if it could go on; it is the recklessness of poor people which leads them to go on as long as they can; as long as they can go on they do not care; they will make any sacrifice rather than part with 3*s.* or 4*s.*, if they can do without the article.

2781. Do you approve of the principle of making the sale of tickets illegal?—I do not see that there can be any objection to it; I think it would stop a great many fraudulent transactions of advertising tickets, and all those things that have been referred to in the papers lately.

2782. How would you define bulky goods; where would you begin?—That is a very difficult point; it might refer to furniture; I do not know anything else that would require measurement; you might say that any goods were bulky which were over a foot square, or anything of that kind; I think it might easily be defined that goods taking more than a foot square of room should be charged warehouse room; the Act might be made to work fairly, I think.

2783. Mr. *Orr Ewing.*] You are not obliged to record transactions as to articles upon which you advance 10*l.*, or above that amount, are you?—No; but we do it for our convenience.

2784. Do you not think that a person having a pawnbroker's license should be obliged to record every transaction that he enters into?—I do not think that he should be obliged to do so any more than a banker.

2785. Do you think that your business is in the same position as that of a banker?—Just in the same position.

2786. Are you liable to be be imposed upon by stolen property being pledged with you?—I think that the greatest liability which persons doing a good business now undergo arises from the carelessless of housekeepers; I gave up 30*l.* worth of plate, a short time ago, that a lady's butler had pledged with me; he had been in the house 10 years, and those goods had been coming in and out of my house for 10 years, and they had never been in the plate chest the whole time, and yet a gentleman, a personal friend of my own, condemned me very much for taking them in; they were sent to me from Cheltenham, and several letters passed upon the subject.

2787. Have you many transactions of that kind?—I have transactions of that kind.

2788. *Chairman.*] Do you mean that you have transactions of that kind as regards the mode of pledging, or as regards the fact of the goods being fraudulently pledged?—I do not mean stolen property.

2789. Do you mean that you have many transactions of that character relating to stolen property?—No; I never had a case of that kind in my life before.

2790. Mr. *T. Hughes.*] Did you know that this was a butler who was pledging the plate?—I sent down to inquire of a gentleman living there, and he sent me word to say that the man was a most respectable person, and was living in a certain terrace; I know the brother-in-law of the lady; he was a baronet, and he scolded me very much; I said "I must listen to all you have to say, but if you go and scold your sister for never having her plate chest looked over, you will do a great deal more good."

2791. Was there a crest upon the plate?—There was a crest upon the plate; but I did not like the man's handwriting, and I inquired if the man lived in such-and-such a place; and I got information that he was a very respectable man.

2792. Mr. *Whitwell.*] Did the butler pledge the plate in his own name?—That I do not know. I happened to be going to my house one day when his letter was lying on the counter, saying that he had sent so many spoons, and that he wanted so many sent back again. I said, "What pattern is that?" They said, "King's pattern." "That letter does not look to me like the letter of a man who ought to have King's pattern plate." I said I knew a gentleman living in the town, and I asked him to inquire whether the man was a respectable man, and he said he was.

2793. When the honourable Member for Dumbarton put the question to you, whether you had many transactions of the kind, and you replied in the affirmative, did you refer to the fact of domestics frequently pledging their employers' plate?—Certainly not.

2794. I should like to recal your attention to a previous answer. You stated, did you not, that one great cause of your mistakes in receiving pledges was the carelessness of housekeepers?—The carelessness of housekeepers generally is the cause of pledging plate.

2795. And you give this as a special instance of the carelessness of housekeepers?—I did. That was a case that came under my own knowledge. I gave up 30*l.* worth of plate. That person had been dealing with me for five or six years at the least, and certainly I must have had more than a quarter of the plate of that establishment in my house for the whole of that time, and the people had never known of it.

2796. Mr. *Orr Ewing.*] You stated that you thought pawnbrokers should not be called upon to record their transactions any more than bankers; is it not the fact that bankers record every transaction that they enter into?—And so do pawnbrokers.

2797. You are not obliged to do it?—Neither are the bankers; they do it for their own convenience.

2798. But are bankers liable to receive stolen property in the same way as pawnbrokers?—I should think bankers receive fraudulent bills and stolen bills quite as much in proportion as pawnbrokers receive stolen pledges.

2799. Do you speak as to that from your own knowledge?—Yes, I speak from my own knowledge.

2800. Do you mean forgeries?—No, I mean property that they have no business to discount. My bankers are Messrs. Herries & Farquhar, as respectable a house as any in London; and I should think they get many transactions that they would rather not have entered into, just the same as I do.

2801. Do you not think that it is rather an anomaly that the same person who is licensed as a pawnbroker is obliged to record every transaction that he does below a certain amount, and that when he goes above that amount that regulation does not apply?—I do not think he is obliged to record any transaction simply because he is supposed to be a dishonest man. If I thought so I would not be in the business to-day.

2802. I am

2802. I am not speaking with reference to yourself, but with reference to the business?—I do not think he is expected to record every transaction, because he thinks his customers are dishonest men.

2803. Do you think it is a good thing for the public that a person licensed as a pawnbroker should have another shop for sale, where he can purchase and sell the articles pawned with him?—The Act of Parliament says he shall not do so,

2804. But you do so, do you not?—I buy them in by auction, and that is simply an advantage to the pledger.

2805. And you pass them into your sale-room?—I pass them into my sale-room.

2806. And your sale-room and your pawnbroking establishment are in one house, are they not?—My sale-room and my pawnbroking establishment are in one house, and I think it is a great advantage to the pledger, because if he came and saw his own property in my house he could come and have it.

2807. You are not under the inspection of the police at all, are you?—We are not.

2808. Would you object to being under the inspection of the police?—I should give up business the moment a policeman had the right to come into my house.

2809. Do you think any honest trader should object to the inspection of the police?—I do. Should you like a policeman to be allowed to come into your house?

2810. I should if I were in such a business as yours, where you run such a risk as to be giving money upon other men's property?—I do not give money upon other men's property, if I know it.

2811. I am quite sure that you would not do so; but are you not liable, as a pawnbroker, to accept property of that kind?—I do the best I can to prevent it, and 50 policemen would not make me do it any better.

2812. But would it not have tended to the discovery of this theft of the butler's if the police had had the power to go in to inspect your premises, and to see the articles that you have there?—If they did so we should not do any business; if you pledged your plate with me you would not like a police inspector to come in and report that he had seen Mr. Orr Ewing's plate in Mr. Attenborough's house. There is the simple fact.

2813. Would it not be good for the public that such power should be given, to detect such a case as you yourself mentioned just now?—No. In the first place, he would not have detected it, and in the next place, it would render my business perfectly useless or perfectly disagreeable, one of the two; as an honest man, I would not submit to it, and it would be an insult to every one of my customers.

2814. Are you aware that in Glasgow it is the law?—I am not aware as to the law in Glasgow, but if it were so, I should not be a pawnbroker in Glasgow.

2815. Are you subject to be imposed upon by stolen property?—I have been in Piccadilly for 20 years, and I think I may have had 30 such transactions, not more, that is about one and a half in the year, I should doubt if it is so many.

2816. I suppose that you might possibly have a considerable quantity of stolen property in your house without being aware of it?—I sell only about five per cent. of the whole of my transactions, and I should think I know nearly everyone of those customers that buy the goods I sell. Of course all those goods that are redeemed, you may naturally presume belong to honest people, and are their own property, so that I should think there is not one per cent of my business that is in the least doubtful.

2817. Your business is of a much higher class than usual, is it not?—I lend large sums of money.

2818. But in a lower grade than yours, do you not think there is a great chance of pawnbrokers having stolen property offered them?—Where a pawnbroker wishes his business to be conducted respectably, I am quite sure that every precaution is taken to prevent stolen goods being received. It is the greatest nuisance that can possibly happen to the pawnbroker; he has to give the property up, he has to send his assistants to the police court, and nothing injures our young men so much as having to loiter about at the police courts, or at the Old Bailey; I believe that many of our young men are ruined in character by having to loiter about the Old Bailey and the police courts.

2819. Do you think it would be a good thing to introduce into this country not to allow advances lower than 2 *s.* 6 *d.*?—So far as I am concerned, I think it would be a capital plan if there was a society established for lending needy people money for nothing. If any charitable society of that kind were started, I should be very willing to support it; I look upon pawnbroking simply as a matter of business, if a man borrows 2*s.* 6 *d.* of a pawnbroker, he does it because he really wants the money which will be advanced upon the pledge. Such a society might easily be established; as to the schemes for combining business and charity, they will never succeed, but if there were a charity established that would lend small sums without interest it would be a great boon, and might very well be carried out.

2820. Mr *Hambro.*] On the security of the goods?—On the security of the goods, and charging them nothing for it.

2821. *Chairman.*] In that case the loan would be made upon charitable considerations, would it not?—It would be a charity, and those people who were too proud (and I am happy to say that most Englishmen are too proud to have charity in any case) would not go.

2822. Mr. *T. Hughes.*] With respect to this police interference, do I understand you to say that you would entirely object to a law by which, not an ordinary policeman, but an inspector of police, might come and inquire about a specific article?—Certainly not; they do that now.

2823. You would not object to any clause that would strengthen the hands of the police in searching for a specific article?—Certainly not; but I think that any clause that said the pawnbroker should be bound to open his transactions to the police, would be iniquitous and unjust to all pawnbrokers in London. I do not know the nature of the Glasgow business, I am sorry to say; but as to the police having the right of coming and saying to me, "So-and-so's plate is missing; do you know anything of it?" my young men would not hesitate for a moment to answer the question; and if they had any doubt as to the initials on the plate, they would go and look, to be certain. The police have no difficulty whatever in ascertaining in respectable houses at

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the present time what pledges have been taken in.

2824. We have had some evidence that they have some difficulty among a certain class of pawnbrokers; are you aware of that?—I believe that has been very much owing to the manner in which the police have set about it. The police can be very offensive.

2825. But I did not understand you to object to such power being given to the heads of the police, as I have intimated?—I have not the slightest objection to submit to anything that an honourable man may fairly submit to, and I think there are very few pawnbrokers who would not submit to that, but to anything else I am happy to say I would not submit, and I think it would be very unjust to put upon pawnbrokers anything that would be derogatory to their position.

2826. Mr. *Arkwright.*] Is the law understood among pawnbrokers, that if a pledge is sold by auction for less than the money advanced upon it, there is a right of action against the pledger?—There is.

2827. Are actions often brought upon those grounds?—I have never brought one in my life; I believe there have been two or three, but I should think there have not been half a dozen since I have been in the business, 30 years; the county courts have afforded facilities for it. If a man is known to be an impostor, and has pledged property very often, knowing it to be pledged for more than it is worth, and he has set the pawnbroker at defiance, proceedings might be taken.

2828. As a rule, you have no way of getting it back?—No, as a rule you get your trouble for your pains.

2829. Colonel *Beresford.*] Did I understand you to say that the pledging of small articles was unprofitable?—Any pledge, I consider, on which there is a halfpenny taken must involve a loss.

2830. Do you know anything about the French Government system?—I do not; I only know that it is a monopoly, and of course there is no competition. They must get a profit upon the goods, but the restrictions as to the convenience are very great. For instance, you cannot do as you do in England; if you want a pledge out you must give notice for it the day before, or something of that kind.

2831. But the charge is not more than three or four, or five per cent. altogether, is it?—Yes; I do not know exactly how much it is, but I think, taking the average of their transactions, it produces over 10 per cent.

2832. That would be two-thirds less than it is in England, would it not?—That would be two-thirds less than it is in England.

2833. Calculating it upon the amount paid for interest upon small pledges, it comes to between 25 and 30 per cent., does it not?—I do not know how low the mont de piété goes, or how small a pledge they take in, or whether they lend any sum for less than a penny, but I have understood that their profits are rather over 10 per cent.

2834. Mr. *Crum-Ewing.*] In the case of those large robberies which have taken place in London lately, did the robbers go round to the pawnbrokers and offer the goods generally?—No, they are too good judges. For instance, in that case to which I have referred, the man ran the risk of being detected every day. It is the most risky place he can possibly go to, and a thief cannot go to a more dangerous place than a pawnbrokers. We do our business so as to get 15 or 20 per cent., but if a pawnbroker lends 2 *s.* 6 *d.* on a thing worth a sovereign, the house is known, and would be known as a "fence" in a very short time. When you lend money in the ordinary course of business, and are only liable to gain 15 or 20 per cent., it would not pay you for running the risk of taking stolen goods, consequently the moment you have the slightest suspicion, you say to the man, either be about your business, or you send to the police office.

2835. In that case of the butler which you refer to, did he give you his real name or a feigned name?—He must have given his real name and address, because I sent to the place.

2836. Was there a crest on the plate?—There were crests on the plate.

2837. When you wrote down to your friend at Cheltenham, did he go to the proper place?—He went to the proper place.

2838. Was the man living in such a house as that it might have been supposed that he might pledge such plate as that?—That is a question of opinion. There are many people living in small houses who own large quantities of plate. I had no interest except to find out what the man was, and who he was, and my friend wrote to me to say that he was a respectable man.

2839. Was this the house of his master?—No, he was a married man, living in a house of his own.

2840. You mentioned, did you not, that you had had considerable experience at one time in a lower business than you have now?—I had.

2841. What is your opinion as regards the licensing of pawnbrokers in reference to their business?—I think that if you made the license higher it might, perhaps, be better.

2842. Do you think that it would be an advantage that the licenses should be granted by the magistrates?—I do not think it would have the slightest effect, or that it is at all necessary. I should certainly not advocate it.

2843. Do you not think that in a case where the law had been contravened by a pawnbroker, it might be easier to refuse the license then?—I do not know. I do not believe there are two pawnbrokers in London who are habitually in the habit of contravening the Act. I am afraid I am wrong there as to the fractional charges; but I really have paid so little attention to that, that I ought not to say; but I think that pawnbrokers, generally, as a rule, would object to the license being controlled by a magistrate. I do not think it would be considered at all satisfactory.

2844. Do many of those "duffers" come to you with made-up goods?—Yes; I am sorry to say a great many men live by that, and nothing else.

2845. But a man who understands his business as you do, I suppose, would hardly be taken in?—It is not very difficult if you are busy. They generally find the time when your weakest force is available, and they are wonderfully clever, as all rogues are. If they would take the same trouble to be honest men, they would live a great deal better.

2846. Mr. Alderman *Carter.*] Do you lend anything on special contracts under 10 *l.*?—No, never. All I do below 10 *l.*, I do strictly within the Act of Parliament.

2847. I understood you to say that you had had considerable experience in low pledges?—I have.

2848. How

2848. How long were you in that business?—as apprentice in a house where we used to liver 1,600 pledges on a Saturday night.

2849. Have you been in business, on your n account, where you took low pledges?—Yes, ad a place where a great deal of low business s done.

2850. With regard to the cost of pledges, ler 2*s.* 6*d.*, or under, say 4*s.*; I understood i to say that you would have 1*d.* only on those dges, and that you would have nothing on re-uption; that would be 1*d.* altogether for those pledges; do you think that that would pay? I do think it would pay.

2851. Have you had experience, as a pawn-ker, to justify you in saying so?—Yes; the inary business now pays with one halfpenny en at the time of pledging, and one halfpenny the time of redemption.

2852. But the evidence before this Committee that upon all pledges of that kind there is a s of three farthings. London pawnbrokers, and ers in that class of business, tell us that there a loss of from one halfpenny to three farthings all pledges of that kind; I have your expe-nce to rebut that?—In this case there are one two advantages that you do not quite detect; instance, I should take 1*d.* on every transac-n; consequently those goods that are not re-emed would pay the 1*d.*, and there would be ge advantage to the pawnbroker. Then the mense saving of labour in delivering the goods uld be very advantageous to him.

2853. A very large proportion of those small dges are redeemed within the first month; ing that into account, do you think that the . would pay?—I think that the 1*d.* would save reat deal of labour.

2854. But would you like to go into that class business with a view of making a living?—t into that class of business only, but it is com-ned with other business.

2855. You are in a neighbourhood where you not get that class of business, yours being ite an an exceptional business. You get dges for large amounts, and you have very tle trouble compared with those who are in a ry low neighbourhood; and as your evidence es so directly against the evidence of other wnbrokers who are in low neighbourhoods, I sh you to be particular in answering my ques-n?—I am inclined to think that a penny en at the time of pledging, and the ordinary urns of the business would produce a sufficient ofit.

2856. What do you mean by "the ordinary turns," because if their business were simply low pledges the ordinary returns would be ply twopence?—They would have the extra nth and the twopence and threepence; and the dges over 5*s.*, on which I should have a differ-t rate of course. I am inclined to think that a nny on every low transaction, taken at the ae of the transaction, would very nearly pay expense of the transaction; there would be other transactions to pay a profit.

2857. By your last answer I should gather t the system which you suggest with regard low pledges would not pay; if it would not y what would be the use of doing it?—I am t inclined to admit that it would not pay. I not know what amount of capital the pawn-ker would go into business with. If he has 0 *l.*, or 400 *l.*, or 500 *l.* to go into business with, he could do nothing but low business, and then he might not be able to get a profit out of it; but if he had a large capital then it would pay, taking advantage of a longer period on which to charge interest.

2858. Can you give the Committee the average number of pledges per annum in your business where you are situated now?—It would be very small.

2859. Then the average amount lent on each pledge would be very large, would it not?—It would. I have a pledge at the present time waiting for me to get home, for 3,000 *l.*

2860. You stated, did you not, that you got 15 per cent. on your pledges?—Yes.

2861. But your expenses cannot be 7½ per cent. out of the 15 per cent.?—That is what I reckon; I have not gone into it very narrowly; you see I do a sale business as well.

2862. But you are telling the Committee what are the profits of those other gentlemen; I should like to know what are your average number of pledges during the year, how many assistants it requires to manage that business, and what is the cost of managing your business, and then I could get at what is the amount of profit that you are able to make?—I should think I do not take in, on the average, 30 pledges a day.

2863. Then yours is principally a sale shop, is it not?—It is scarcely a guide as to other businesses; I only go from what I know of the business that I used to do, and that I used to do more of; I cannot help thinking that if we had had 1*d.* on each transaction then we should have liked the business.

2864. Mr. *Whitwell.*] With regard to the "duffing" trade, I think you said you are acquainted with it?—Yes, I dare say, at times we take in a "duffing" pledge.

2865. Are the goods made for selling in those cheap shops, which are always selling off their stock within seven days, or are they made simply for the purpose of deceiving pawnbrokers?—Some goods are made expressly for the purpose; but they attend our auction sale, and buy our own goods, and then pledge them; for instance, our goods are sold for exactly what they are worth in the trade.

2866. Are those goods manufactured in London, Birmingham, or Sheffield?—The new goods are manufactured in Birmingham; they will get a plated chain instead of a solid gold chain, made of a good pattern, which we take to be solid gold, and they will fix it on to a watch which they have bought at our auction sale, at just what it is worth, and then if any pawnbroker can only be persuaded that the man is sure to redeem it, and that the chain is solid gold, the margin of 1 *l.* or 30*s.* is two or three day's work.

2867. But the article is manfactured to be sold above its real worth, not only to the pawnbroker, but to whoever they can find, is it not?—That is so.

2868. With regard to the proposed new scale, you propose to charge a penny, and a certain increase at the end of four months, and at the end of six months, for articles of 3*s.* and under; what is your proposed scale for the next point of value?—I should charge the same penny from 3*s.* to 6*s.*, and then the penny per month that is now charged on such sums.

2869. But would that be fair, inasmuch as the advance might be 6*s.*, and still you would only allow the pawnbroker to take a penny on the 6*s.*

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6 *s.* advance?—Still he gets a penny on the 4 *s.* and 3 *s.*, and he only now gets three farthings on 3 *s.*

2870. Are you aware that in another return the cost of pledging each article is made to be 2¼ *d.*?—He would have a great advantage upon that scale; he would take 1 *d.* when the article was pledged, and he would take 1 *d.* on its redemption the first month, that would be 2 *d.* the first month; at present he only takes 1½ *d.*, and at the end of the second month he would take another 1 *d.*

2871. But that would be introducing a new scale altogether, would it not?—That would be introducing a new scale entirely, and a much more simple and satisfactory one, in my opinion.

2872. But still it would be different to the other grade of the scale, inasmuch as you advance by one month in one case and by two months in the other; would not that discrepancy be very inconvenient to the poor people?—I think not, because those small loans are generally for very needy people.

2873. Would it not be better to advance by two months at a time in each case?—I am quite in favour of uniformity, but it would be difficult.

2874. What would you charge for pledges above 6 *s.*?—I would charge 2 *d.* the first month. I had sent my scale to Mr. Dicker in a letter, but, unfortunately, he has lost it, and consequently I cannot refer to it, but I can work it out again.

2875. Perhaps you will be kind enough to send it to the Chairman, leaving it to his option as to whether it should be added to your evidence?—I will send it to the Chairman with pleasure, if the Chairman would like to have it.

2876. You say that you are satisfied with the present scale of 10 *l.* as the limit of free trade?—Yes.

2877. You do not wish it to be reduced, do you?—As far as I am concerned, I think I may say that I am an opponent of free trade very much below the present Pawnbroking Act; the Pawnbroking Act works very well, so far as I am concerned, except that I dare say low pledging does not pay.

2878. I understand that you do not wish it to be reduced below 10 *l.*, but you have no very particular objection to its being reduced to 5 *l.*?—Exactly so.

2879. Are you yourself in the habit of advancing much upon manufactured goods?—I am not. Plate and jewellery are my principal branches of business.

2880. Is that a sort of pledge that you do not receive?—For instance, I should receive silks or shawls, anything that was clearly valuable; but I would not take large bulky goods that want a lot of room and a lot of lifting.

2881. Are the Committee to understand that you are willing to advance to dealers on stock?—My business is principally with private gentlemen and ladies, and very little on stock, unless it is jewellers' stock.

2882. You stated, did you not, that you thought the lower classes were entirely in the hands of the pawnbrokers as to what they are charged?—I think they are. I do not believe that one customer out of ten, where a pledge has been in more than a month, or where he redeems two or three pledges that have been in various times, does ever take the trouble to calculate the rate of interest, or could calculate it if he took the trouble.

2883. The Committee generally understand the character of the business that you transact. May I ask you upon what articles you generally suffer the greatest loss on resale?—I think, perhaps, in fairness, I ought to say on goods that have been a long time in the house.

2884. On what description of articles?—On articles in which the fashion has varied. Of course plate and jewellery do not vary much: they do vary, and I am happy to say that it is to my advantage, because they have been getting dearer every day; but on goods on which the fashion changes I lose. I can give you a case in point: the fashions of ladies' dresses are continually changing at the present time, and that makes it very difficult for a pawnbroker to take in ladies' wearing apparel of the better quality that will pay, because after a thing is 15 months old now, no person who pretends to be a genteel person will buy a second-hand article.

2885. What proportion of your trade is sale, and what proportion is advance?—That is rather difficult to say. I have more money locked up in pawnbroking than I have in sale goods.

2886. Still your sale trade is a very important one, is it not?—It is a very important one.

2887. I think you told the Committee that you very often buy in auction the articles pledged with you?—Perhaps I should mislead the Committee if I did say that; as a rule, I prefer selling by auction every article that is unredeemed: I do not like selling my own goods retail, though, perhaps, I ought not to ventilate it; for instance, if I have a pledge of a diamond ring for 10 *l.*, and I put it up to auction, and nobody would give more than 9 *l.* for it, and I bought it in for 9 *l.*, and I put it into my window, and sold it for 12 *l.*, I am rather doubtful whether the owner, if he came, could not take the profit on the 12 *l.* and not on the 9 *l.* which it fetched under the hammer.

2888. You stated distinctly that if a person who pledges a diamond ring which you had bought in auction, saw it in your shop, he would have a right to claim it: you do not think the Act of Parliament concludes the transaction between you and the pledger, when the article has been sold by auction?—I think it ought to do so; but I think the common law would give him the right of saying, "That is my ring, and I will pay you the principal and interest for it, and take it;" and I should give it him at once.

2889. You think that if the law really authorises you to buy in a particular article, it certainly ought not to enable the pledger to come in against you afterwards?—It is a very difficult thing to determine; I simply buy in where I do not think the trade give me the trade value; I particularly object to buy in a pledge.

2890. With regard to the auctions, you say that you are ready to buy in when the trade do not give you the trade value; you speak then as if those auctions were only attended by the trade; is that the case?—They are attended by private individuals, and we now and then get rather a higher price.

2891. Practically, can a private individual really buy at one of those sales?—I know several private individuals who do buy at them; as at all auction sales, you stand the chance of being pushed about, and you do not hear polite language at all times.

2892. Is it a common custom at all pawnbrokers' sales for the trade to stand within the counter,

unter, and for the outside trade to stand with-
t the counter, and that amongst this least re-
ectable part, whom the auctioneer will not
mit behind his counter, the public have to
nd?—Yes.

2893. So that amidst what I may call this mob
second, third, and fourth class dealers, the
blic have to stand?—The public have to stand
tside the counter.

2894. Amidst that mob of second, third, and
urth class dealers?—Yes.

2895. Consequently the public have no chance
buying fairly, or seeing the article which is
d, so well as the trade, have they?—Not so
ll as the trade; the auctioneer, simply for his
n convenience, has a back counter, and the
alers and men who he knows may be trusted,
ve an opportunity of going behind the counter
d looking at the goods with greater care than
angers. Of course, if a stranger goes in, and
asks to see the lot, it is shown to him.

2896. If he goes in a certain time before the
e, but not during the sale?—He can see at the
e. When I speak of the trade at a sale, I
an the dealing trade; what we call the dealers
those goods.

2897. *Chairman.*] Persons who trade in the
ods?—Persons who trade in the goods.

2898. Mr. *Whitwell.*] You said that sometimes
rsons claimed the surplus of the value which
goods had realised after sale?—Yes.

2899. And you have had to pay it occasionally?
Yes.

2900. I suppose that that occurs but seldom
er all?—I do not know.

2901. Is it worth while for you to make a re-
rn to the Committee of the number of trans-
tions during the year 1869, when the parties
o had pledged goods, applied to you for the
rplus?—It is scarcely worth while. On six or
ven transactions, I should think I have paid
l. or 50*l.* overplus this year.

2902. The Committee are quite aware that you
ve a loss on some of these transactions, and
u think that you ought to get the profit which
u take on A, to satisfy the loss on B?—Pledges
er 10*l.* are not under the Act of Parliament,
t I think that where no pledges are likely to
erage more than 10*l.* or 12*l.*, the average of
s would be against the pawnbroker, and con-
quently I think that it is very hard upon him
ere he has to refund perhaps upon the only
o or three things which paid him a profit.

2903. Of what value ought the article to be to
ke it desirable to compel the pawnbroker to
form the person, if he gives his name and ad-
ess, the day on which the article is to be sold?
I think I would give the pledgers the oppor-
nity of insisting on that every time they wished
I do let every customer of whose address I am
rare, know every time when I am going to sell.

2904. Would there be any objection to com-
lling the pawnbroker to inform the pledger?—
rhaps it would be a very good plan on sums
er 5*l.*, but I do not think that it would be on
ms under that amount.

2905. It would be only fair and reasonable,
uld it?—I do not think that pawnbrokers
uld object to it.

2906. He gives notice in the same way as any
her mortgagee that he is going to foreclose his
rtgage, so to speak?—Exactly; but he can
ly do that by writing to the address given to
m, so that the right address must be given.

You must not insist on the pawnbrokers finding it out, because sometimes there would be great difficulty in doing that.

2907. *Chairman.*] How much would you charge for that service?—I do not know. The pawnbrokers find it, like everybody else, most profitable to do their business in a respectable way.

2908. Mr. *Whitwell.*] What is the cost of your sales by auctions?—The charge is generally 5 per cent., with a certain amount for lottage; but I have just had one 7½ per cent. They do not charge me anything for lots.

2909. Do they charge you a higher per centage?—No; but then my sales are heavier. If I sell 2,000*l.* worth of goods, it is a 100*l.* profit for the auctioneer, and it is a very good day's work.

2910. Do they charge you 2½ per cent.?—No, they charge me 5 per cent.

2911. If a man pledges three articles at different times, which are all sold the same day, and there is a loss on one and a profit on another, and a loss on the third, can he claim the profit on the one without recouping the losses on the others?—Notwithstanding what has been established lately, but I cannot help thinking that law and justice ought to be as one.

2912. You do not know whether the law is against you in that respect?—I should think that they would go to the House of Lords rather than give it in. I would, if I were consulted as to my opinion.

2913. Would you advise that auctions of pawnbrokers' pledges should be conducted by some official auctioneer or by an ordinary auctioneer?—I think that the ordinary auctioneers have generally the best market for our goods that we can possibly find.

2914. And yet you complain of its being a bad one?—No, I do not say that.

2915. You say that you make a loss on all your pledges, do you not?—That is not because we do not get the value of the goods. I do not make a loss, I make a profit. I do my business very carefully, and I will not take a pledge in, as a rule, unless I can see that I can get principal and interest.

2916. *Chairman.*] Have you had your attention directed to the Irish rate of charge?—I have.

2917. What do you think of it?—I think it would be intricate. I want to make the calculation very simple, so that people can go in and know what they have to pay.

2918. What is the intricacy of the Irish rate?—It is 25 per cent. per annum; and then there are half months, and such things that poor persons cannot reckon, and would not reckon if they could.

2919. You made use of the expression that most of your young men are ruined by attending the courts; do you mean that most of the young men employed by pawnbrokers are, in fact, ruined, or that those who are ruined are ruined by this means?—That is so. They go down to the Old Bailey, where loose characters abound, and I have known one or two instances where young men have lost their characters entirely by having to wait about in that way.

2920. Do you include in your scale the charge for the ticket?—The 1*d.* was to cover the whole charge on the first two months under 3*s.*

2921. Do you think that it is right that the original charge for the transaction, which is to

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some extent enhanced by a special charge for the ticket, should be continued the same, month by month, or that the first charge should be larger than those afterwards to be made month by month?—On pledges under 3*s.* I am inclined to back my opinion that 1*d.* pays the cost of the transaction, so that all pledges that stop over the two months pay a profit. The 1*d.* would very much simplify the business, so that I am quite sure that a pawnbroker doing a large low trade could do with one young man less, if he had no calculations to make as to the interest on Saturday nights; and the increased rates which I give on the higher pledges would recoup him by the simplicity of the calculation for all that he loses.

2922. Is there any difficulty as regards simplicity if there is a fixed first charge which covers the transaction, and also an equally simple subsequent charge to be superadded for every additional month or two months?—I think not; I do not say that it is absolutely necessary that my rate should be followed; I simply recommend a rate easily calculated without fractions of days, and without fractions of months, but I am not at all wedded to my own scale.

2923. Would it not be more just, that after the first month, including the expense of receiving and otherwise finishing the transaction, the rate to be paid month by month should be less?—Then it would bring in the halfpenny again; I am not wedded to that. I think 1*d.* on the first month and a halfpenny afterwards might answer the purpose.

2924. Mr. *Crum-Ewing.*] Would you include in that 1*d.*, the halfpenny for the ticket?—I include the ticket in the 1*d.*, the 1*d.* would be the whole sum for the first transaction, and the charge afterwards would have reference to interest and other matters.

2925. Mr. *T. Hughes.*] Your advantage being that you get it paid in advance?—You get it paid in advance, and you get it settled; on all those small transactions of weekly business there would be no interest to pay.

2926. Mr. *C. H. Mills.*] Would you not virtually exclude that weekly business, because a man could not afford it, inasmuch as he would have to pay 52 pennies in a year?—He does that now.

2927. Mr. *Hambro.*] With regard to the employment of children in the pawnbroking trade, are there many children under 14 years of age employed?—None at all.

2928. Would you recommend the extension of the Factories Act to that?—No; if a boy is very quick, he may be employed as a pawnbrokers assistant at the age of 14, but he would not be of much use.

2929. As a rule, are they employed in very hot rooms and in very confined air?—They sleep in the shops under the counters a good deal, but there are not a large number of persons in the same room.

2930. What sort of places do they work in?—They are rather close, but there is no necessity for the Factory Act in regard to pawnbrokers; if they are very young they are the children of the pawnbrokers themselves.

2931. Mr. *Crum-Ewing.*] Are there many women employed in the lower pawnbroking shops?—None in London I believe, although there are in the manufacturing districts; but I know very little of the nature of the employment.

Mr. Francis Turner, called in; and Examined.

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2932. *Chairman.*] You are a Barrister, I think?—Yes.

2933. Are you the author of a work on the Contract of Pawn?—Yes.

2934. And that has directed your attention to the state of the law on the subject of pawnbrokers, has it not?—It has.

2935. Has your attention been directed to the definition of a pawnbroker under the Act?—It has. I may say that my suggestion with respect to that is simply this: at present the definition of a pawnbroker is contained in one Act, and the license duty is also fixed in some degree by that Act; that is modified by a later Act; and then there is a third Act, which extends the definition to persons who are not *primâ facie* pawnbrokers.

2936. Which are the three Acts?—The first is the 25 Geo. 3, c. 48, s. 5; that contains the definition. Then the 55 Geo. 3, c. 184, increases the amount of duty payable by pawnbrokers; and then the 19 & 20 Vict. c. 27, makes pawnbrokers of persons who do not profess to be pawnbrokers, but who take things in as on absolute sale, with an implied understanding that the seller should be at liberty to re-purchase.

2937. Then would you find some better definition of a pawnbroker?—I am not aware that any difficulty has arisen which may not be met by those two Statutes. The Act of the 25th of Geo. 3, c. 48, s. 5, contains the definition of a pawnbroker pure and simple, so to speak. Then, in the other Act, the 19 & 20 Vict., the definition is in such very wide terms, that I do not think there could be any practical difficulty about its sufficiency; but it would be an advantage, I think, supposing legislation should follow this inquiry, if those three provisions were brought into one Act in one short section.

2938. We have heard that there is a practice by pawnbrokers to advance money under special contract under 10*l.*; do you consider, on the construction of the Acts, that such a practice is possible within the limits of the law?—My opinion is, that that course of business is utterly illegal; that it gives a pawnbroker no right to the goods; that if the pledger brought an action against that pawnbroker for the goods so pledged, he would be utterly undefended; and besides that, he could be convicted of several offences against the Act of 39 & 40 Geo. 3. At present there is a difference between the rate of license duty paid by London and country pawnbrokers. Of course it is a matter for the Committee, but it seems to me that there is hardly any reasonable ground for maintaining that distinction. I suppose the theory is, that less business is done in the country than in London; but it is a query whether that can be said of such towns as Liverpool, Manchester, and Birmingham, and whether all parts of the country should not be put under the same rule; or if there is to be a distinction, the line might be drawn, say at towns of 100,000 inhabitants. With regard to the rate of profit, I dare say the attention of the Committee has been called to the fact that that rate is prescribed by, I think, four

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our different sections. Those sections are very long and very complex. It is absurd to suppose that any uneducated pledger could read all those through, or could understand them when he was pledging an article of small value.

2939. Have you considered whether any very simple rate could be specified upon a principle somewhat the same as that of the present Act?—My suggestion would be a halfpenny per month or each 2 *s.*

2940. With or without the addition of the first halfpenny for the ticket?—I had not thought of that until I heard Mr. Attenborough's evidence just now; but it seems to me that that Act requires an amount of clerkship and some expenditure for stationery which it is not quite reasonable to compel the pawnbroker to provide for nothing.

2941. Would you propose a penny for the first month and a halfpenny for every subsequent month?—If a penny is sufficient to pay for stationery and clerkship, let it be a penny on all transactions, and then let the rate of interest be a halfpenny per month for 2 *s.* I may say that, so far as my observations, from occasionally having matters of this sort to advise on, have enabled me to form an opinion, the tickets prescribed by the Act are generally printed on stout paper, almost cardboard. By the Act the pawnbroker is required to provide two tickets, but, practically, I have been informed, he provides three, for his own satisfaction. That must, of necessity, be a somewhat serious item in his yearly expenditure; and I think it is only right that he should be allowed to make such a charge for it as would cover it; and I should hardly think that a halfpenny would be sufficient, taking clerkship into account.

2942. Is it your view that there should be a uniform charge of a halfpenny on all transactions, with a superadded charge of a halfpenny for interest?—I think it would be for the benefit of both parties, because the pledger could then easily calculate, and the pledgee would not be liable to make the mistakes which do occur now, whether by accident or design I cannot say; but there would be less excuse for design, and less liability to mistake. With regard to the question whether you should draw the line at 40 *s.* or 42 *s.*, and allow a different rate of interest above and below that line, or whether the Legislature would not lay down the same rate all through, that is a matter rather for business witnesses than for myself; my reason for noting it, is on the ground of simplicity, as avoiding the chance of offences under the Act.

2943. Under your scale up to 20 *s.* it would be 5 *s.*, instead of 4 *s.*, would it not?—It would; I think the advantage of simplicity would counterbalance any loss to the pledger.

2944. Would you start with a new rate for 1 *l.*, and for all above 1 *l.*, or would you start with the present Parliamentary rate of 20 per cent.?—I think not, because when once you do that you deprive the Act of the advantage of simplicity.

2945. Unless for the broken part of the 1 *l.*, you adhere to your rate?—Yes.

2946. For the whole 1 *l.*, the question is, whether you should not charge 4 *s.*?—I think not, for this reason, if you make a difference between the broken part of the 1 *l.*, and the 1 *l.* itself, there will be a point at which it will be more to the pawnee's interest to lend only the broken part, and therefore the Act will, in that respect, I think, become a dead letter.

2947. Mr. *C. H. Mills.*] Twenty shillings will come to 5 *d.* per month, will it not?—Yes, and if you charged 5 *d.* for the first 1 *l.*, and took 20 per cent. above the 1 *l.*, the interest payable on 40 *s.* would be 9 *d.*, while, if the pawnbroker were to advance 38 *s.* only, the interest, calculated at one halfpenny per 2 *s.*, would be 9½ *d.*

2948. Mr. *Hambro.*] At present it is 7¾ *d.*, is it not?— Yes; so that you would have that struggle repeated at every point just short of the dividing line.

2949. Mr. *C. H. Mills.*] It would be higher on the lesser than it would be on the larger amount, would it not?—Yes, so that it would make it to the advantage of the pawnee to advance a lower sum, and the pawner therefore would lose in two ways; he would get less money, and he would pay more interest.

2950. *Chairman.*] But if the higher rate were limited to fractions of 1 *l.*, for the facility of calculation, and if for every entire 1 *l.* the rate was lower, he would be a gainer, would he not?—Up to 20 *s.* it would be 5 *d.*, above 20 *s.* up to 40 *s.* it would be 4 *d.* for the second 1 *l.*; that would be 9 *d.* for 40 *s.*, but 38 *s.* as previously explained would give 9½ *d.*

2951. Do you think that that would have the effect of inducing the people to lend 18 *s.* rather than 1 *l.*?—Yes, taking the ordinary estimate of human nature.

2952. Mr. *C. H. Mills.*] It would only signify above the 1 *l.*, would it?—It might be a matter of consideration for the Committee whether it would be quite well to go up to the extreme limit.

2953. *Chairman.*] On the other hand, the pawner would be still better off, would he not, than if he paid 10 *d.*, which would be the case if he paid 5 *d.* for 1 *l.*?—Yes, but he would get 2 *s.* less advance.

2954. Then is it your view that the scale should run up continuously up to 10 *l.*?—I would not say quite to 10 *l.*; it might stop short of that; say at 5 *l.*

2955. So that the fractional charge would become insignificant?— Yes; I apprehend that when it got up to 5 *l.* they would go by jumps, to 5 *l.* 5 *s.* or to 5 *l.* 10 *s.*, or something of that kind, and then perhaps the difficulty would not arise.

2956. Have you any suggestions to make with regard to Section 4, about the change of the farthings?—That difficulty is eliminated by the arrangement which I propose. Very recently, it has been solemnly argued whether, in the case of a rate of a person whose assessment came to more than one farthing, and less than another, he was liable or not. It came before the Court of Queen's Bench in Banco. The argument, I think, lasted the greater part of a day, and the Court decided that the ratepayer could not be compelled to pay the farthing.

2957. That would depend upon the language of the Act, would it not?—It would, but the ground of the decision to which I have referred, was that the ratepayer ought not to be compelled to contribute more than his share to the amount of local burdens. It is quite an open question now in regard to pawnbroking transactions, where, say $\frac{99}{100}$ths of a farthing is the calculated rate of interest, whether the pawnbroker would, or would not, commit an offence rendering him liable to a 10 *l.* penalty, by taking the farthing.

2958. Do you consider that if an Act of Parliament

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liament requires a man to pay something which is more than a farthing the responsibility of paying it is thrown upon him?—Yes, that would be my view of it; but I think a good deal might be said on the other side.

2959. He would answer that he cannot do it, because there is no coin?—Just so. Then it would be a question for the Court whether, under those circumstances, the pledgee would have a right to say, "You shall not have the thing pledged until you give me more than I am actually entitled to," and that might or might not be held to be an adverse detention.

2960. With regard to Section 5, which allows periods of grace, do you think it desirable that the contract should be for one term, with a period of grace, or that it would be better that the contract should be precise, and for a fixed period?—I think, in the abstract, it would be better that the contract should be precise, and that, say, going over one day should involve the penalty of another month's interest. It might be too sudden a change in these transactions to do away with a period of grace altogether, therefore I would adopt the analogy of a bill of exchange on which there is three days grace. By a later section of the Act, a quasi negotiable character is given to the pawnbroker's ticket. If you adopted the analogy, you would avoid any chance of the imputation of having made an invidious distinction between the larger and smaller classes of transactions.

2961. You would make the days of grace rather to cover any possible error as to the day than to extend the time?—Just so; the three days, I think, would be ample for it.

2962. With regard to the 6th section, which relates to the keeping of the accounts and the giving of the names, what is your view?—I think that the section seems to require too much. The pawbrokers must ask who the pledger is, who sends him, and whether he is a housekeeper or a lodger, and must put all that down; and he must specify the particular terms at which the interest should be paid, and so on. I think all those provisions are needlessly minute, and in practice I believe they are almost invariably disregarded.

2963. Have those clauses been found to work any injustice, which induces you to think that they should be qualified by saving clauses?—I think that now they work injustice in this way: if a pawnbroker fails to comply strictly with the requirements of the Act, it has been held that he acquires no right to, or property in, the pawn, Supposing that to be stretched to the utmost, if a pawnbroker omits to ask whether a person is a householder or a lodger, or, if having asked, he omits to put "H" or "L," as required by the Act, he then loses his money and security, and is liable to a penalty besides. I think that is rather hard; and while, of course, Parliament can lay down any conditions it likes for the protection of the public, I think there should be something like a dispensing clause relieving the pawnbroker from those consequences, when, in the opinion of the magistrate or other tribunal, before whom he is brought, he has acted *bonâ fide*.

2964. Then, in point of fact, you would make the illegality consist in his not doing those things for some fraudulent purposes?—Either for fraud or gross carelessness.

2965. Have you looked at section seven of the Act which requires endorsement upon the pledge, when the money is taken back?—Yes; it seems to me hardly necessary. The presumed object is to afford the pawner some security, but it does not seem to me that it can possibly do so; if as I think suggested elsewhere, the rate were printed on the ticket, which would be possible if the rate were simplified, then the pawner would have a check upon the pawnbroker, and it might be required in addition that he should endorse the amount which he takes on the duplicate, which would be evidence against him as to the amount which he did take.

2966. In case of a question arising as to the amount which had actually been paid, what precaution would you take, because how would the pawnbroker be able to identify the transaction?—I say that it might be desirable for him still to endorse the amount on the duplicate, but that for its assumed purpose the section does not seem to be of very great value.

2967. What do you consider then to be its assumed purpose?—I assume that it is intended to protect the pawner from an overcharge, but I do not see how it does that.

2968. Does it not do that, simply by having a record made at the time, so that in case he complains, the pawnbroker is compelled to produce the record?—That is rather a protection to the pawnbroker than to the pawner, because the pawner not seeing the amount endorsed cannot possibly be the wiser for it.

2969. Do you think that if there was a disposition to cheat him, it would be evidence rather the other way, that the true sum would be entered, and not the overcharge?—Exactly; but at present the pawner is almost at the pawnbroker's mercy, to know what the correct amount is, whereas if the pawner has a ticket with the correct amount, calculated on a simple scale, printed on it, he can check the pawnbroker.

2970. Do you think it desirable that there should be some check given to the pawner in the shape of some receipt for his money?—I think that if he is to have that additional security for the reason I mentioned, with regard to the duplicate, the pawnbroker ought to be entitled to make a charge for it; if he gave a receipt, let him have the power of making a charge for that receipt; and if he gave a receipt above 40*s.*, he would be bound to affix a penny receipt stamp.

2971. Have you looked at section 8 of the Act?—Yes; that seems rather complex, and it, I think, does not quite sufficiently define what unlawful pawning is; though the decisions of the courts have rather come to the help of the Statute in that respect; then as regards the latter part of it which disposes of the forfeitures by giving them to the overseers of the parish, I believe that it is practically a dead letter, and there is no reason for retaining it.

2972. Have you considered section 9, with regard to persons forging or counterfeiting notes?—Yes, you see the extreme penalty there is three months imprisonment. Forgery, of course is the same crime, whether committed on a duplicate or on a bill of exchange; I think, therefore, it would be desirable to strike this section out, and leave the offence to be dealt with by the Criminal Law Consolidation Act.

2973. That question you would leave to be dealt with either under the law as to obtaining money under false pretences, or under the law of forgery?—Yes; the question has arisen under the

the Criminal Law Consolidation Act, and the forging of a pledge ticket was held to be the forging of an accountable receipt for goods or money; but the words "pawnbrokers' duplicate" not being contained in the Act, and this section remaining, the judges did not feel safe in acting upon it, until after argument before the Court of Criminal Appeal.

2974. Did they uphold the conviction?—Yes.

2975. Mr. *C. H. Mills.*] For forgery?—Yes; therefore it seems anomalous to keep on the Statute book one section which makes three months imprisonment the extreme penalty for an offence, having in the very same country a law making a man liable to seven years' penal servitude for the self-same crime.

2976. *Chairman.*] The effect of this clause would be, that a magistrate can deal with these small forgeries on summary conviction, would it not?—He can.

2977. Whereas he could not deal with forgery at all?—Quite so.

2978. That enables him to deal with it summarily?—No doubt that is so, if this is a benefit.

2979. Section 11 of the Act relates to unfinished goods; have you any observation to make as to that?—There are a number of Statutes which contain provisions somewhat analogous to those of this section, where, from the nature of the goods, there is a kind of implied notice given to the pawnbroker that they are not proper things to be taken in pledge, such as military and naval stores, the clothing of policemen, the clothing of volunteers, the furniture and other effects of poor law boards, unfinished articles in different manufactures other than those mentioned here, many of which are mentioned in a Consolidating Act of the 6th & 7th of Victoria; I think that it would be very desirable if all such provisions were consolidated and appended in a schedule to the Act, which could be increased by Order in Council from time to time, instead of having them as they are now, scattered over a multitude of Statutes which it requires a great deal of labour and trouble to be quite familiar with.

2980. Then with regard to section 13, which relates to goods unlawfully pawned, being restored by the pawnbroker; do you think that that requires any amendment?—Yes, I think there is a great deal both of hardship and of anomaly in the present operation of the Act. By the Metropolitan Police Act, the provisions of which are extended as to some towns by the Towns Improvement Act, or such sections of it as are adopted by the local authorities, the pawnbroker may be compensated to some extent, if, in the opinion of the magistrate, he has acted honestly, and if there has been negligence or other circumstances on the part of the real owner of the property, entitling him to compensation. Now, it is very odd that we should have two directly different sets of legislation in the same country, extended, say, to London, by a general Act, and to Liverpool, and I believe to some other towns by the adoption of a special Act, which Act is adopted so far as this present subject is concerned at the mere option of the local authorities. If the provisions of the 2nd & 3rd Vict., c. 47, are just to the public, and to the pawnbroker, then, I think, they should be extended to the whole country. There is this further anomaly: that while this power to award compensation is given to the Metropolitan Police Magistrates, Judges of Assize, or Judges sitting at the Old Bailey, and equal in dignity to the Judges of Assize, have no such power. A proviso to that effect was inserted in the Criminal or Consolidation Act as drawn; but I see by Mr. Greave's note, that the section was struck out during the progress of the measure through Parliament.

2981. Then would you make a general law extending over the whole country, and applying to all courts?—Yes. For instance, where a person has kept his property negligently, so as to put absolute temptation in other people's way, then I think it is not altogether unjust that he should pay a part of the penalty which has been occasioned by his own negligence.

2982. With regard to Clause 16, which provides for the case of notes or memorandums lost, have you any amendment to suggest?—I think that clause requires some amendment. At present it is a moot point whether the delivery of this declaration is an absolute indemnity to the pawnbroker or not. The intention of the Act seems to be that the magistrate shall himself institute an inquiry, and satisfy himself of the *bonâ fides* of the applicant; and that then the pawnbroker shall, in any case, be bound to deliver, and shall be indemnified for the consequences of delivering the pawn. Now I must say that I do not think that it goes so far, but still I know that, in some cases, metropolitan magistrates and county court judges have held to that effect. I think, therefore, that it would be desirable, when legislating, to define more precisely the value of the declaration. My idea is, that the delivery of the goods, in pursuance of a declaration made before a magistrate, should only be an indemnity so far as the delivery of the goods, on the production of the duplicate, would be an indemnity; that is to say, where the pawnbroker has no actual or implied notice, that the declaration has been improperly applied for. That is the law with respect to duplicates. I think, therefore, that logic and justice seem to require that it should be the same with regard to the declaration.

2983. Have the police to exercise any judgment or discretion, or care, in the process of the substitution of an affidavit for a duplicate?—That, I think, is practically nominal.

2984. Does not Clause 16 peremptorily require the pawnbroker to give a declaration to any applicant whomsoever, without any right to question his demand?—Yes, provided that he comes and represents himself to be the person pledging, or the owner of the goods pledged.

2985. Not as the owner of the duplicate?—No.

2986. He is absolutely bound to give the affidavit, is he not?—Yes.

2987. Therefore he is not called upon by the Act to take any care at all?—Not as regards the declaration.

2988. Is the magistrate required to exercise any care or judgment in the matter?—I think the magistrate is, but practically the magistrate does not do so.

2989. Where do you find that the magistrate is required to exercise any care or judgment?—Clause 16 says that the claimant is to "verify on oath or affirmation, as the case may be before the said justice, the truth of the particular circumstances attending the case mentioned in such affidavit or affirmation to be made as aforesaid, the caption of such oath or affirmation to be authenticated by the handwriting thereto of the justice, before whom the same shall be made."

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2990. Mr. *Whitwell.*] It is the previous line I think, "Shall thereupon prove his, her, or their property in or right, to such goods and chattels, to the satisfaction of some justice of the peace?"—Just so.

2991. *Chairman.*] Have you considered whether the effect of those words is to impose upon the magistrate the duty of satisfying himself of the *bonâ fide* of the application?—I think so, because it says that something is to be proved to the satisfaction of the magistrates, and that something is the truth of the particular case stated in the affidavit.

2992. We have been told that the magistrate signs the affidavit without making any inquiry whatever, is that so?—I believe it is done without his ever seeing the applicant.

2993. Practically the magistrates decline to carry out the Act in fact, do they not?—I believe that the difficulty arises from the fact that there are so many of these cases, that it would be impossible for the magistrates to institute an inquiry in every instance and get through the rest of the business.

2994. Still, according to your reading of this clause, that is the only stage or process provided by the Act for the protection of the public, is it not?—Yes.

2995. Do I understand that the pawnbroker, when the affidavit is produced to him, is peremptorily bound by the Act to give up the goods?—I do not think he is. Suppose that a certain article being in pledge, the owner of that article comes to the pawnbroker and says, "I have lost my duplicate or mislaid it, do not give a declaration with respect to that;" and sometime after, another person comes in for a form of declaration, and the pawnbroker has either forgotten it, or the person sees some other assistant, and that other assistant in breach of that notice, does deliver a declaration; the applicant goes to the magistrate, the magistrate gives the needful authority, and he comes back, and then the property is re-delivered; I think that in that case the pawnbroker having had notice, ought to be bound by the consequences of that notice.

2996. Does not the law say, "Thereupon the pawnbroker shall suffer the person or persons proving such property to the satisfaction of such justice as aforesaid, and making such affidavit or affirmation as aforesaid, on leaving such copy of the said note or memorandum, and the said affidavit or affirmation with the said pawnbroker to redeem such goods or chattels"?—Yes.

2997. So that he has the same absolute right of redemption which the holder of the ticket has, has he not?—He has, if the 16th section is to be read alone; but I think that if ever the case came before the courts it would be quite an arguable question whether the 15th and 16th sections ought not to be read together. The 16th section, you will see, substitutes the declaration for the duplicate. I do not think that it could be successfully contended that if a person is bound to take certain precautions with respect to the original, he is not bound to take the same precautions with respect to the substitute.

2998. He has the same right as the owner of the duplicate has to receive the goods, has he not?—Yes; but I am speaking with respect to the obligation of the pawnee. The pawnee, by the 15th section, is bound to deliver the goods unless he has notice of the claim of another owner.

2999. Apart from the claim on the part of another owner, he is absolutely bound to deliver up the goods, is he not?—Yes.

3000. Then having been absolutely bound by law to deliver up the goods, the question arises, whether, if the true owner of the goods turns up, he is not liable to a claim, there being no words in the Act to discharge him from the claim of the true owner, is not that so?—In the case of goods pledged, when the pledger parts with the duplicate, and nevertheless goes to the pawnbroker to redeem, the pawnbroker is not liable, if the goods have previously been delivered to some person who produces the duplicate.

3001. If the person who has pledged the goods and who holds the duplicate for the goods, come to the pawnbroker after the pawnbroker has delivered up the goods to a third person under the affidavit, is the true owner entitled to be indemnified by the pawnbroker for the loss of his goods?—That, as I said before, has never been authoritatively decided. It would depend upon the reading of those two sections. There is a case somewhat like it, the case of Vaughan and Watt, which was decided by the Court of Exchequer, and which was an action of trover for wearing apparel. It appeared at the trial that the defendant was a pawnbroker, with whom the goods in question had been pledged on the 24th of July, by a person who gave the name of "Mary Warne," and the duplicate was made out accordingly, she was in fact the wife of the plaintiff Vaughan, but it did not appear that this fact was then known to the defendant. The next day she sent to say that she had lost the duplicate, and to demand a copy of it. The defendant gave her a copy, and also a form of declaration of the loss of it. Some days after she sent again to say that she had lost the form of declaration, and to ask for another, which was given to her. On the 6th of August the plaintiff called with the original duplicate, and tendered the money to redeem the goods, but the defendant told him that as declaration of the loss of the duplicate had been obtained, he could not give them up. There the pawnbroker acted on the assumption that he was bound to take reasonable precaution.

3002. But in that case the declaration had been obtained, but he had not delivered up the goods under the declaration; it was only a claim?—No, it was only a claim. If they had delivered up the goods to the declarant, it would be a question on the construction of those two sections, which has never yet been settled, whether the pawnbroker was indemnified or not; therefore, I think it would be desirable when legislating, that some definite provision with respect to this matter should be made.

3003. Would you think it right that if the pawnbroker delivers up the goods in consequence of the declaration, he should be entirely discharged?—I think he should be discharged if he has not had express or implied notice. That, I think, is what the law, unaided by the Statute, would imply, and that I think is just.

3004. Mr. *Whitwell.*] Should not the Act also, if you make that clause so clear, require some investigation to be made into the real character of the ownership of the declarant?—Yes, I think that would follow, and it would be for the legislature to consider whether that should be of a magisterial, or simply of a private character.

3005. *Chairman.*] Do you observe that in clause 15 the pawnbroker is only declared to be indemnified

indemnified if the real owner of the goods has obtained them back under the form of an affidavit?—Yes.

3006. Therefore, if a person who was not the real owner had made an affidavit, and obtained the goods, he would not be indemnified under this clause?—No doubt; and then comes the latter part of the section, which strengthens that inference. Still I say that magistrates have, nevertheless, looked at the 16th section only, not going outside of the four corners of it, and have held that the pawnbroker was absolutely indemnified.

3007. If the magistrate neglects his duty under the one clause, the pawnbroker is bound to deliver up the goods to the real owner under the other clause, from the magistrate's neglect; is that so?—I think you can scarcely call it neglect, considering the amount of business that they have to do; but if it is the duty of the magistrate, and certainly the words of the section seem to show it, it would be advantageous, if it were thought desirable that the magistrate should institute an inquiry, that there should be some action on the subject.

3008. Mr. *Whitwell.*] I see that in the case which you have cited, Lord Cranworth was of opinion that the fact of declarations having been obtained was no defence against the owner of the goods, who might in that case never have it in his power to recover possession of them; and that the 16th section did not authorise the pawnbroker to keep the goods as against the owner, unless the party to whom a declaration had been given had proved his right to them to the satisfaction of a justice?—Yes; but the case went off; and, practically, it does not decide the question.

3009. *Chairman.*] What is your view of the proper mode of protecting the real owner; because that is the point to which our attention must be directed, as well as to guard the pawnbroker against the intervention of a fraudulent third person?—There would be absolute protection if you could compel the magistrates to act upon this section.

3010. Subject to the contingencies of legal miscarriage?—Just so.

3011. Is there any other mode by which the thing could be adjusted, except by making the magistrate do his duty?—I do not think there is, because you may presume that the pawnbroker will desire to avoid any difficulty now; therefore you have his interest in one way, and you want something to clench that.

3012. Mr. *Crum-Ewing.*] Is it possible for the magistrate to do his duty, seeing that there is no person to bring before him formal evidence of the matter?—It is so.

3013. Mr. *Orr Ewing.*] If the pawnbroker was more particular in getting the real name of the parties with whom he was doing business, he would run very little risk, would he?—I have heard some of the evidence given this morning, to the effect that people never do give their true addresses.

3014. But if the pawnbrokers run a risk by this loose way of doing business, could they not rectify it by being more particular in getting the real address of the pledgers?—It does not occur to me how a pawnbroker is to tell whether a perfect stranger is giving a real address or not.

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3015. Mr. *Crum-Ewing.*] But I suppose a person cannot apply unless he produces the ticket?—Yes; he must know of the existence of the pledge, and he must know about the time when the article has been pledged.

3016. May any person having acquired that information, and going to the pawnbroker, and making this declaration before a magistrate, get the goods out?—Yes, the magisterial test of the truth of the declaration is, I believe, something like this; that the declarant takes the declaration to the magistrate's clerk, and the magistrate's clerk takes it to the magistrate, and the magistrate never sees the declarant.

3017. It seems to be a farce altogether?—I think it is.

3018. Mr. *C. H. Mills.*] Are they obliged to state in the declaration the day on which the article was pledged, the name in which it was pledged, and also what was pledged?—Yes.

3019. Therefore anybody who does it fraudulently, must have known about it?—Yes; he might know it through some carelessness on the part of the actual pawner.

3020. Mr. *Crum-Ewing.*] Have you anything to suggest as to a mode by which this evil could be obviated?—No other than that which I have previously made. I think that if you compelled the magistrates in all cases to institute an inquiry, the evil would be obviated.

3021. Mr. *Whitwell.*] But is it not generally assumed that a pawnbroker, having given this form, has pretty well satisfied himself that the declarant is the party in question?—I suppose it is; and therefore it is that the magistrates' practice is so lax. And this course is open to the objection that the Act casts the burden on the magistrate who does not bear it, and not upon the pawnbroker who, I suppose, does bear it.

3022. Mr. *Crum-Ewing.*] In fact, the pawnbroker is relieved, is he not, if he does that?—Yes.

3023. *Chairman.*] The pawnbroker is, under the Act, deprived of the exercise of any discretion or judgment in the matter, is he not, because he is bound to give the declaration as soon as any party comes to make a declaration?—That is a matter of construction. If you look to section 16 only, the pawnbroker is discharged; if you take the two sections together, the pawnbroker is not discharged.

3024. In point of fact, the protection seems to consist in the fact that the applicant is compelled to state certain facts to the pawnbroker; and it would be more complete if the law compelled him to state to the pawnbroker the character of the article pledged, to show that he was privy to it, which he could not do unless he had had the pledge in his possession or had been a party to the transaction; is not that so?—Quite so.

3025. Mr. *Orr Ewing.*] Do the pawnbrokers suffer much from this evil?—I do not know whether they suffer much; I have been consulted about it once.

3026. Is it really any grievance?—I do not know that it is much of a grievance.

Thursday, 7th July 1870.

MEMBERS PRESENT:

Mr. Richard Arkwright.	Mr. Thomas Hughes.
Mr. Ayrton.	Mr. Charles Henry Mills.
Colonel Beresford.	Mr. Plimsoll.
Mr. Alderman Carter.	Mr. Orr Ewing.
Mr. Crum-Ewing.	Mr. Ridley.
Mr. Hambro.	Mr. Whitwell.

THE RIGHT HONOURABLE ACTON SMEE AYRTON, IN THE CHAIR.

Mr. LUCAS PETER STUBBS, called in; and Examined.

Mr. *Stubbs.*

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3027. *Chairman.*] ARE you employed in the office of the Borough Magistrates at Liverpool?—I am.

3028. How long have you held that appointment?—Fifteen years.

3029. What were you before you held that appointment?—I was an assistant to a barrister, and in the evenings I used to employ my time as a voluntary superintendent of a ragged school, and a visitor among the poor.

3030. Have you written a book called "A Guide to Pawnbroking"?—Yes.

3031. What is the object of that book?—My object in publishing it was to simplify the law for the use of the poor.

3032. Have the poor bought your book?—They have not. The publishers suggested a higher price first than I had originally intended, thinking to reduce it afterwards for the benefit of the poor; but we found the law so voluminous that it could not be compressed within reasonable limits for the use of the poor. It could not be published at a price at which they could buy it.

3033. Then, perhaps, it has been useful to the pawnbrokers?—No doubt it has.

3034. Has that led you to inquire much into the system and practice of pawnbroking?—It has.

3035. What is your opinion as the result of that inquiry respecting the present rate of charge as to the profit to the pawnbroker?—I should say the scale is rather low. I can only say that from having had accidental acquaintance with those in the trade who frequent the magistrate's office on business; and, before the new Act was thought of, many conversations have taken place between me and the trade, and they have invariably said that they could scarcely make a profit out of the pledging business.

3036. Have you ascertained what would be a remunerative rate as compared with the present rate?—I have not; but I should judge that if the fractions were abolished, that would better compensate them for the trouble and loss which they now have, and that it would also be no hardship upon the poor, because the simplification of the rate of interest would benefit them to a degree which would be sufficient to compensate for the interest which they would have to pay.

3037. What would you call a simple rate of charge?—Such a rate as could be printed at the back of a pawn-ticket, compressed into about three lines, say, not exceeding 2*s.* 6*d.*, ½*d.* per month; exceeding 2*s.* 6*d.* and not exceeding 5*s.*, 1*d.*; and so on up to 40*s.*

3038. That would be a ½*d.* for every entire 2*s.* 6*d.*, and a ½*d.* for every fraction of 2*s.* 6*d.*, would it not?—Precisely.

3039. Would you extend that scale up to the whole sum of 10*l.*?—Up to at least the sum of 40*s.*; but I have not sufficiently considered the matter to recommend its being carried up to 10*l.*

3040. That is the rate up to 10*l.*, is it not?—No; I think it is 15 per cent. from 40*s.* up to 10*l.*; 3*d.* per 1*l.* per month for sums exceeding 42*s.* is the present rate, and 4*d.* per 1*l.* per month for sums below 42*s.* and above 1*l.* Guineas, I presume, were in use when that rate was fixed.

3041. Would that be exclusive of the ticket charge?—Yes.

3042. Do you know much of the character or class of the people who pledge goods in Liverpool?—The bulk of the pledgers consist of labourers, and of families who have small pledges and irregular wages.

3043. Do they pledge to equalise their wages?—They do no doubt.

3044. When you say that they have irregular wages, I suppose you mean that they are casually employed?—Yes, the trade in Liverpool is fluctuating, according to the winds, and the vessels which arrive. A large number of labourers are employed when trade is brisk, and they are out of work when it becomes dull.

3045. Mr. Alderman *Carter.*] That answer refers more, I suppose, to dock labourers?—Yes; but it is not confined to dock labourers, for we find that, as business at the docks increases, all branches of unskilled labour come into requisition.

3046. Have you inquired at all into the losses and the expenses of the pawnbrokers in Liverpool?—I could only give hearsay evidence upon that point. As I have told you, I have a casual acquaintance with several pawnbrokers through meeting them at the courts, and they have stated to me that their expenses are so high, and their losses so great, that on the pledge department they

hey could not make a decent living; and they requently lose sums, to my knowledge, by aving to restore to owners property which has een illegally pledged.

3047. Does that come much under your obervation in connection with the police-court of Liverpool?—It does.

3048. Are there many orders made there for he restoration of property?—I should think, erhaps, 80 or 90 during the year.

3049. Are those for property only illegally ledged, or property stolen and pledged?—I hink I must correct my last answer, if you will ermit me. There will be considerably more han I have stated. I was only alluding to one ourt; but I should think that fully twice the umber I have stated would be the correct numer. There is one place of business in Liverpool or the transaction of the magistrate's duties, but here are several courts in the one building.

3050. For both courts it would be twice the umber?—Yes.

3051. Does that embrace both the restoration f the property stolen and pledged and property therwise illegally pledged?—It does.

3052. Have you an opportunity of hearing hose cases tried or investigated before the agistrates?—Yes; I frequently sit in the ourts.

3053. Do you infer from the evidence which ou have generally heard that there has been a ant of care on the part of the pawnbroker ringing about those illegal pledges, or some rtifice and fraud on the part of the persons ledging?—Pawnbrokers are not frequently lamed from want of care, but the magistrates lmost invariably order the goods to be delivered o the owner without any payment to the pawnroker.

3054. Do you think there is any particular acility in Liverpool for persons illegally pawnng goods?—No more than in any other town, I ink.

3055. Do you think that any facilities are fforded by not asking the proper questions or y otherwise taking in goods easily?—There eing so many pawnbrokers in Liverpool, it would e impossible for them, I should say, to know the ledgers, and they are dependent upon the ledger's word at the time of pledging.

3056. Have you inferred from hearing all hose cases that there has been any facility given y the pawnbroker to the receiving of illegal ledges?—I should judge, by the number of ases, that a large quantity of stolen property oes find its way into the pawnbrokers, and also large quantity of property not stolen, but llegally pledged, finds its way there; but I do ot know that any pawnbrokers have ever been onvicted of having knowingly received stolen roperty, nor have I heard them censured as enouraging the pledging of property illegally.

3057. Have you any suggestion to make by which any further precaution could be taken gainst the illegal pledging of goods?—If the awnbrokers were properly paid for their serices I believe they would form a very efficient rotection and aid to the police.

3058. In what respect do you think that they re not properly paid for their services?—I think hat when they stop stolen goods they ought to ave some reward; I think that when they attend the police court on such matters they should e fairly remunerated for their loss of time.

3059. That is, I presume, when they attend for the purpose of aiding the police, and not when they attend merely to defend their own property?—When they attend for the purpose of aiding justice.

3060. Have you been able to observe whether the law is efficiently carried out in Liverpool, which requires the name and address of the pledger, distinguishing householders and lodgers, to be put on the ticket?—It is almost invariably violated. We find among the numerous pawn-tickets which are produced in court the letters "H" or "L" at one corner of the ticket, but one of the letters is seldom obliterated.

3061. Are they printed with both letters on with the intention of obliterating one and leaving the other?—I think that is the intention, but usually we find that the tickets have both letters on them.

3062. Do you think that, as a rule, the pledgers in Liverpool give their true name and address?—I do not think they do.

3063. Do you think that arises from a sense of shame?—Among the more respectable pledgers, I have no doubt that it arises from a sense of shame; but among those who have received the goods unlawfully and pledged them, I have no doubt that it arises from a desire to prevent detection.

3064. Therefore, in either way, it does not seem to work well?—It does not; I may remark that the Christian name ought invariably to be written in full upon the ticket, and that is frequently omitted, a simple initial being placed there; and pawnbrokers, in giving evidence, have been unable to tell whether goods were pledged by a male or female prisoner.

3065. Then, to that extent the pawnbroker fails to give the identity which the law requires of him, I presume?—That is so occasionally.

3066. How is the clause relating to lost duplicates carried into effect in Liverpool by the magistrates?—Declarations are brought to the court, and handed in to an officer at the door of the court, who asks the person presenting them if he declares the contents of the declaration to be true, and on his answering in the affirmative, the officer affixes the stamp of the office upon the declaration, hands the declaration up to the magistrate, who signs it, and then it is returned to the declarant.

3067. Is any inquiry whatever made to satisfy the magistrate of the truth of the contents of the declaration?—None. We have so many declarations each day in Liverpool that it would take one magistrate a considerable time to get through the business of inquiry.

3068. Can you judge at all, or can you give any idea of the class of people who make those declarations, as to whether they are very poor or wanting in intelligence?—They are chiefly poor and wanting in intelligence; but there are occasionally highly respectable people among them.

3069. Do you find that they can generally sign their names, or do they make their marks?—They more frequently make their marks.

3070. Have you ever had any complaint afterwards from the true owners of the goods, that the declarations have been made by persons not entitled to the pawn-tickets?—I have not. The declaring of those forms is rather a more serious matter than perhaps you would suppose, from the way in which they are received by the officer. I remember, I think, two cases where prosecu-

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tions have been instituted against the declarants for perjury on the pawnbroker's form of declaration.

3071. Were convictions obtained in those cases?—I believe they were obtained at the assizes.

3072. Then you think that the people who make those declarations really regard them as so serious a matter, that they are not falsely made?—They are very rarely falsely made, I think. I I might add, on the section on which we are now speaking, that I think it a hardship upon the pawnbroker that he has no option in giving a formal declaration, and yet that he is liable afterwards to compensate the true owner for the property.

3073. Is it understood in Liverpool that if the true owner comes with the true ticket he is still entitled to receive the goods, or compensation for them?—That is the law, no doubt.

3074. Mr. *C. H. Mills.*] Is it the 16th clause to which you are alluding?—It is. I think the pawnbroker ought to have option and responsibility, or no option and no responsibility.

3075. *Chairman.*] You mean as regards acting upon the declaration, I presume?—Yes, I think a simple receipt might answer the purpose, on a form at the pawnbroker's shop. Then he should take the responsibility of giving the goods over to the owner, and, if he made a mistake, he would still be liable to the owner.

3076. Then would you leave him to put the owner to a declaration for his further satisfaction if he thought fit, as part of his own proceedings?—Yes.

3077. Do you think that any hardship has been done to pawnbrokers in ordering them to deliver back, without compensation, goods which they have received, or do you think they are fairly bound to give them back, if they are goods which belonged to other people?—If they receive them, and are guilty of any want of care, they deserve to suffer the loss; but if, with ordinary care, they still incur a loss, I think it is a hardship.

3078. Why should pawnbrokers be more exempt from the ordinary law as to stolen property than other people; is it not just as great a hardship if a man who deals in old clothes, and other second-hand commodities, buys a thing, and has to restore it?—I presume that it is a part of his trade to incur that loss, and it may be just that it should fall upon the pawnbroker occasionally, but it is a hardship.

3079. Then your proposition would apply to other cases than those of stolen goods, would it not?—I should say that it is a hardship in either case, but it may be justice to the owner.

3080. Are there any special provisions in your local Acts relating to the business of pawnbrokers in Liverpool?—None directly relating to the business of pawnbrokers, but I think there are some which indirectly apply to the trade. We have a local Act similar to the Metropolitan Police Act in one clause. It enacts that any pawnbroker who receives a pledge from a person apparently under 16 years of age, is liable to a penalty of 5 *l.*

3081. Is there any other local legislation?—We have one clause also in our local Police Act which empowers justices to order goods which have been stolen, and which are in possession of pawnbrokers to be delivered to the owner, on payment of money, or otherwise; but that law is rarely put in force, because cases of that description are more frequently taken to county courts, where judges seem to have no other power than to order the goods to be delivered to the owner without any money payment to the pawnbroker.

3082. But can the County Court do that before prosecution to conviction of the thief?—Before or after, I think.

3083. Under what authority?—Under the common law.

3084. Are you aware that that is not the common law?—I am not quite sure whether it applies before the conviction of a thief, but certainly it does afterwards.

3085. But this would seem to be a clause which would enable the magistrate to restore the goods before the conviction of the offender; is that so?—Yes; but lawyers have argued in court that the goods ought to be proved to have been the subject of a proved felony before they come under the definition of stolen goods.

3086. Will you read the section of the Act to which you refer?—It is the 5 & 6 Vict. c. 106, s. 292. It is the Liverpool Police and Improvement Act: "And whereas, doubts have arisen whether goods unlawfully deposited, pledged, pawned, or exchanged, may be restored to the owner in cases of summary conviction, or where the goods are produced without the issue of any search warrant; be it declared and enacted, that it shall be lawful for any justice to order that any goods unlawfully pawned, pledged, or exchanged within the borough, which shall be brought before him, and the ownership of which shall be established to the satisfaction of such justice, shall be delivered up to the owner by the party with whom they were so unlawfully pawned, pledged, or exchanged, either without compensation, or such compensation to the party in question as the justice may seem fit."

3087. Is there another provision in the 288th section?—That is what we call the "not-accounting clause," but I find that the General Pawnbrokers' Act, section 10, embodies the same principle, only with much more verbiage.

3088. This clause, in fact, extends the Pawnbrokers' Act to every one in Liverpool, does it not?—It does; the clause is as follows: "And be it enacted, that any person who shall be brought before any justice charged with having in his possession within the borough, or conveying in any manner anything which may be reasonably suspected of being stolen, or unlawfully obtained, and who shall not give an account to the satisfaction of such justice how he came by the same, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not more than 5 *l.*, or, in the discretion of a justice, may be imprisoned in the gaol or house of correction of the borough, with or without hard labour, for any time not exceeding two months."

3089. Have you any other suggestion to offer upon the present Pawnbrokers' Acts?—Section 3 of the present Act, 39 & 40 Geo. 3, c. 99, repeals in effect, the whole of section 2 in the same Act. Section 3, which states that the pawnbroker must take interest not exceeding 20 per cent., appears to make section 2 of no use. In section 3, you will perceive the words, "At the rate of 4 *d.* and no more for the loan of 20 *s.* by the calendar month."

3090. That is for any intermediate pawn or pledge, and it applies to any sum except those particular sums stated, does it not?—Yes; if the word

word "intermediate" was left out, that section would be quite sufficient without the other.

3091. But, if I understand the section rightly, the specific sum to be lent, for instance, under the other clause is 10*s.*, is it not, and the charge is to be 2*d.*; and that rate of 2*d.* applies only to particular sums of 10*s.*?—I think not.

3092. You say that clause 3 in effect repeals clause 2, but clause 2, as I read it, directs a charge to be taken for a particular sum lent and no other sum. Then clause 3 relates to all intermediate sums between the sums particularly specified in clause 2, does it not?—But for all the sums mentioned in clause 2, the rate fixed is at the rate of 4*d.* and no more, for the loan of 10*s.*, and section 3 enacts that the intermediate sums shall be at the same rate.

3093. Then section 3 fills up the gap which is left by section 2, is not that so?—It does; but it is just another illustration of the useless verbiage of which the Act is full.

3094. Of the clumsy mode of framing the schedule?—Yes; the whole of sections 2 and 3 might have been framed within four lines or five lines.

3095. You mean that section 3 would have done just as well without section 2 for everything above 2*s.* 6*d.* and below 40*s.*?—Precisely. As to section 4, which enacts that pawnbrokers are to give farthings, I may say, that in Liverpool farthings are scarcely known, and it is frequently the case that rows of pins have been given in lieu of farthings, whether from the scarcity of the coin or from other causes, I cannot say; but I have not seen a farthing in Liverpool certainly within the last six years, although I have had some thousands of pounds passing through my hands.

3096. Mr. *T. Hughes.*] You have had large experience among the persons who deal with pawnbrokers, have you not?—I have.

3097–8. And from what you have observed, do you think they are chiefly persons wanting in intelligence; they are "marksmen," the greater portion of them, you say; do you think that they are able to hold their own in a bargain with a tradesman of intelligence?—No, I should scarcely think they are.

3099. Then you would not advocate perfect freedom of contract, I presume?—I would not, excepting it might be on large bulky furniture or goods of that description, which under present circumstances the poor are compelled to sell, as they cannot raise money upon them at a pawnshop.

3100. Otherwise, do you think that in the present Act the limit of 10*l.* is a fair one?—Yes.

3101. You would not be inclined to recommend that it should be lowered to 2*l.*, so far as your experience goes?—I think that free contracts on such articles as I have named might be made, but not lower than 2*l.*

3102. I think I understood you to say, that you do not think that the present system sufficiently identifies the pledger?—In many instances thieves go free from want of identification.

3103. When you say that thieves go free, do you mean thieves who have dealt with pawnbrokers?—Yes.

3104. In your experience, is it frequently the case in Liverpool that the thieves make much use of the pawnbroker's shops?—They do; those who are convicted are frequently convicted through the pawnbroker's evidence. There may be four or five pawnbrokers in one case, three of whom may identify a prisoner, and two may not, and yet all the goods may be identified.

3105. Do the pawnbrokers in Liverpool give proper facilities to the police for tracing stolen goods?—They assist the police very much as a rule.

3106. Then should you recommend any strengthening of the Act, or any alteration of the Act, as to the power of the heads of the police in the shops of the pawnbrokers?—It would be well if the head constable under his hand could order an inspector to search for certain specified goods which could not be now searched for, because their present power of issuing search warrants seems to require an oath that the goods have been stolen, and that they are likely to be in a particular place; and it would be well, I think, to enable the police to search the pawnbrokers' shops, when specially directed by the head constable, so that the very few pawnbrokers who are unwilling to incur the loss might really be compelled to have their shops searched for the stolen goods.

3107. Mr. *C. H. Mills.*] You said that you considered the scale too low; the present scale of interest is 20 per cent., is it not?—Before I studied the matter I thought the pawnbrokers were a highly paid class. I thought that they must be making a vast deal of money out of their pledge department, but the more I have become acquainted with pawnbrokers, prior to this Act being sought, the more I have arrived at another opinion.

3108. Is it not the fact that the charge for the ticket is not sufficient, and not that the rate of interest is too low?—I think that you have been calling interest what I mean to include as other charges; that is to say, what we call interest is not really all interest, but it includes the expenses of working the shop, as I understand.

3109. In fact, there is rather a confusion between the ticket and the interest, is there not?—I do not think that the price which is got for a ticket would be sufficient to pay the assistants, and the rents and the losses which a pawnbroker would incur. If it did, he would be amply paid by the 20 per cent., and too well paid.

3110. Therefore, do you not think that if any rise is to take place it should be in the ticket and not in the rate of interest?—If it is called interest, and is confined to that, I should say 7½ per cent. clear profit would be amply sufficient.

3111. But it is the rate of interest, because it is on so many shillings for every month, which is a rate of interest, is it not?—That includes profit and working; really, it has to cover loss of every kind.

3112. It has to cover the interest on the money and also the expense of working the business, has it not?—That is what I mean.

3113. But is not the halfpenny too much for simply giving up the duplicate?—It is beyond the cost of printing, no doubt, but I do not think that it is equal to the cost of an establishment such as a pawnbroker has to keep up.

3114. But you say that interest at 20 per cent. is not sufficient, because the expense of the establishment has to be charged upon it; and then you say that the halfpenny is not sufficient because the expense of the establishment has to

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be charged upon that; will you explain how you reconcile those statements?—I look upon the two sums together.

3115. How would the poor be benefited by the increase of the rate?—I should be sorry to have the rate increased on account of the poor if I did not think that the simplification would be of great advantage to them. At present there are many benefits conferred by the Act of Parliament which are quite unknown to the poor.

3116. To what benefits do you allude?—I could enumerate several, no doubt; I think that the days of grace are unknown to the generality of people. I think that their not being liable to pay on the first part of a month is unknown to them, and there are several other benefits which the Act confers, which are unknown to the poor because it is such a bulky Act.

3117. But would you not, if you raised the rate, do away with those extraordinary privileges which they might enjoy, but which they are ignorant of now?—They do not enjoy them now, because they are unknown to them, and I think that something that they really did understand, and that they could trust by comparing it with the mark on the ticket, would be a very great advantage. At present, I believe, they are often overcharged, and, though an increased rate is recommended by me, I think it would really be no greater charge upon the poor than they are now subjected to, because they are really subject to an overcharge.

3118. Because they have been defrauded by the pawnbrokers?—Yes.

3119. Mr. *Crum-Ewing.*] I gather from your evidence that you have been brought a good deal into contact with pawnbrokers?—Yes.

3120. Are you well acquainted with their modes of doing business?—Simply from hearing of them.

3121. You are connected with the police court, I believe?—I am.

3122. Have you anything to do with the pawnbroking business?—I have no further acquaintance with any of them than having met them on business at the police court; I have no relations who are pawnbrokers and I have no visiting friends among them.

3123. You say that in many instances the pawnbrokers afford every facility to discover stolen goods?—They do.

3124. But in some instances they are backward?—Exactly.

3125. Do you think that it would be of any advantage if the pawnbrokers had to take out an annual license, in the same way as publicans do?—I do not think that in Liverpool that is required, and my reason for thinking so is that I do not know of any pawnbroker who has been twice convicted in Liverpool of an offence against the act.

3126. But there may be cases where they could not prove a conviction, but where it might be apparent to the magistrates that they held back information; now, if a pawnbroker had to apply annually, the magistrates would have it in their power to grant the license or not; do you think that that would be of any importance to the community at large?—I think not; if there had been cases at all frequently where pawnbrokers had been censured by magistrates, I should have been of a different opinion, but it is so rarely that you hear a master pawnbroker censured that I do not think that there is any requirement for a magistrate's license in Liverpool.

3127. Mr. *R. Arkwright.*] Have you heard any complaints from the pawnbrokers with regard to being obliged to keep the pledges in their possession for 12 months?—Never before this new Act was contemplated.

3128. Have you had such complaints since?—Since then I have heard them say that it would be a benefit to have the time shortened to six months.

3129. But you have no personal observation of it yourself as to how it acts?—The only observation that I could make would be that the operation of the six months might possibly get the poor people to take their winter clothes out at the begining of winter, if they found that they would be forfeited otherwise.

3130. Colonel *Beresford.*] Are you of opinion that the present Bill would be an advantage to the pawners generally, as well as to the pawnbrokers?—With the alterations which I have recommended, I think it would be an advantage to the poor and to the pawnbrokers.

3131. You stated that a large per-centage of the pawners at the present time are ignorant about the Act; that they do not know how much they pay, and that the increased rates in reality would not mulct them in any larger charge than they pay at present. How is it that those people are not informed by the pawnbrokers, and that they are not made alive to the advantages in the Act which tell in their favour?—I can only say that if I were a pawnbroker I should feel it my duty to tell the poor the advantages which the Act gave them.

3132. Do you think that, as a rule, they are quite left in the dark as to the advantages?—Yes, I think they are, as a rule.

3133. Mr. Alderman *Carter.*] Why would you limit the pawns by special contract to sums above 40 *s.*?—Those articles, I should say, would only be possessed by people of moderate means and intelligence.

3134. Might not a cottager, for instance, or any poor man, prefer to part with something which he had in his house which was bulky rather than with a suit of clothes which he might require?—That is the very reason which I gave for recommending freedom of contract.

3135. Why would you limit the special contract to sums above 40 *s.*?—I think it would be a safeguard to the poor (I speak of the ignorant poor), who mostly pledge articles under 40 *s.*

3136. Do you not think that the majority of the poor who pledge, who are above 21 years of age, would be able to make a contract?—No, not entirely to their advantage in many instances, if pawnbrokers are what I have read that they are in other towns, such as in Scotland. In Liverpool the pawnbrokers are a very fair dealing, respectable class of people.

3137. Do you think they are, as a class, worse in Scotland than in England?—They must be, if certain evidence which I have read be true.

3138. *Chairman.*] Is it your opinion that a labourer who owns a bedstead is not capable of buying that bedstead or selling it?—He is quite capable of buying it or selling it, but I think that many labourers would prefer to pledge it rather than to sell it, or, at all events, to have the option.

3139. Then is he not as good a judge of the value of his bedstead, and of the expediency of dealing

ing with it when he pledges it, as he would hen he buys it or sells it?—Yes, but I would him to be protected.

40. Why should a man be protected who es to pledge his bedstead?—On the same ciple that we shelter children who cannot care of themselves, we ought to protect weak ignorant men.

41. If a man prefers not to sleep on a bed- d, why should he not be at liberty not to do —He has now the power of selling it if he ks proper, but I think he would in some s prefer pledging it.

42. If he prefers pledging it, why should the law allow him to do so; what objection ere to a man pledging his bedstead?—I said the law should allow him to do it.

43. But supposing that it is impossible for a nbroker to take in a bedstead and warehouse r 12 months for a penny, do you think that the should insist upon conditions which render actically impossible for it to be done?—I k I have said that for bulky articles I would mmend special contracts to be entered into nable a man to pledge a bedstead, or other y article, which he cannot now do.

44. Then I understand you to say, that for rticles for which warehouse room might be imately charged, whatever their value might the pawnbroker ought to be at liberty to e a contract as regards that special transac- ?—For bulky articles, and sums exceeding

45. Would you apply the same rule to ile articles which require to be handled with , such as glass, or would you call that a bulky le for its value?—I think it would, to a in extent, be a benefit to the poor to led to pledge any article of value which they essed.

46. Do you think that the same rule might pplied to an article which would deteriorate, s being a consumable article if he possessed nd that he ought to be at liberty to make a ract for his own convenience whatever might s value?—Yes.

47. Supposing that he had a cheese, and he did not want to eat it immediately, do think that the law should prevent him if he ts to borrow money upon that cheese, from owing money upon it?—No; I think that law should enable him to do it; but at the time I would like to see the law throw a ection over poor uneducated people, who ot sign a contract which they did not oughly understand.

48. Then if the law prevents his pledging nd compels him to sell it, instead of the law ecting him it does exactly the reverse, does ot?—The law as it now stands prevents his ging it.

149. And therefore it compels him to sell it? xactly.

150. And therefore, instead of protecting , the law injures him, does it not?—It , but it protects him from imposition of high rest.

151. Do you know the difference between price at which a man would be able to sell a se and to buy it back again as compared n the charge which a pawnbroker would make its being pledged?—I should say that the n could sell it at the market value, and pledge or something less.

3152. Have you any idea of what a man would sell a cheese for to a cheesemonger, as compared with what he would have to give when he went to buy half a pound of cheese?—I do not know the difference between the wholesale and retail trade for cheeses; I am not in that line.

3153. Do you think it would be more or less than he would pay the pawnbroker for pledging his cheese for a month?—I should say that if a pawnbroker were obliged to keep it unsold for a length of time he would not lend as much upon the cheese as a person would who could sell it immediately.

3154. But if he could lend money for a short time for certain, then do you think that he could accommodate the man much more conveniently than he would be accommodated by having to sell his cheese?—Yes.

3155. Then if the law does not allow that to be done, does not the law injure the working man instead of benefiting him?—To a certain extent it does.

3156. Is not that the case with regard to all commodities which the working man might advantageously pledge rather than sell if the law prevents his pledging them in a convenient manner?—Yes.

3157. Mr. *Crum-Ewing.*] Did you ever hear of a case of a pawnbroker taking a cheese in pawn?—I never heard of such a case in my life. I have heard of strange things being pawned, but never a cheese. I should say that it would scent any other article in his shop.

3158. Mr. Alderman *Carter.*] Do you see any other reason why such a transaction should not be entered into by special agreement?—I do; I think the very smell of a cheese among his other goods would deter him.

3159. But are you supposing that the pawnbroker shall not merely have what is called an ordinary pawnbroker's shop, but a warehouse, and that in that warehouse he shall be allowed to store any kind of goods which may be brought to him by special contract?—It would be in that case, no doubt, easy to pledge a cheese.

3160. With regard to sums under 40 *s.*, I will suppose that a man has a valuable chair, an arm-chair, or any other kind of chair you like, and he prefers to part with that to parting with his Sunday coat, which he might want, perhaps to-morrow, and yet he may wish to get 5 *s.* or 10 *s.*; the pawnbroker would not take the chair, because it is a bulky article; do you see any reason why he should not have the opportunity of pledging his chair as well as the opportunity of pledging his coat?—I do not speak so positively about the limit of the money as of the bulk of the article. I have said he should have power to pledge a chair.

3161. You would not object, in the case that I have put, that a man should, by special contract, pledge his chair rather than his coat or his blanket?—Exactly.

3162. *Chairman.*] If you were going to make yourself the guardian of grown-up people, would you not rather that a man should pledge his bedstead, and sleep on the floor than that he should pledge his clothes?—I should like him to have his choice.

3163. But the law undertakes to choose for him; in this case do you think that the law has made a wise choice?—No, not as it now stands.

3164. Mr. *Crum-Ewing.*] Is it your opinion

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that there ought to be a limit to the rate of interest charged by pawnbrokers upon articles except other than those which you have stated as being bulky?—I only spoke about the limit, thinking that would be some protection in case of dishonest pawnbrokers; there is no doubt that among the pawnbrokers there are, as amongst every other class of people, some who would take advantage of a man's poverty or a man's ignorance, and get him to sign an agreement which, if he did not well understand it, would be disadvantageous to him.

3165. It is your opinion, is it not, that the great bulk of the class of people who pawn articles are unfitted to cope with the pawnbrokers themselves in making a bargain?—No doubt; the pawnbrokers are an educated class of men, capable of driving a harder bargain than the majority of pledgers.

3166. Mr. *C. H. Mills.*] Would not that difficulty be met by having a statutory rate, which would be enforced unless there were some special contract?—To the extent which I have named, I think it would.

3167. *Chairman.*] After all, is not the essence of the bargain which is made between the two parties the amount of money which will be lent upon the pledge?—No, the essence of the transaction is the amount which the poor would have to pay for the use of that money.

3168. But is not the essence of the transaction which is going on the amount of money which is to be received upon the pledge, and is not that the main point upon which the negotiation turns?—No, the question is what would have to be paid at the redemption of the article.

3169. Do you think that, in the minds of those ignorant people who are dealing, the chief point is the sum which they will have to pay upon the redemption rather than the sum which they will get advanced upon the pledge?—At the time of their pledging it may be that the amount which they get upon the article would be their chief consideration.

3170. If they could get more at one pawnbroker's than at another they would probably go to the man who would give most, would they not?—Not invariably. Sometimes a person requires only a small sum, and he has a valuable article, and he would not like to be charged a great interest for the amount lent.

3171. Do you think that a person who is so dealing with his goods is an improvident pledger, or is he not rather a person who is dealing providently for some useful object?—There are a class of people who are provident, who use pawnbrokers. I should call such a person provident.

3172. Do you think that a provident person dealing with a pawnbroker is a person who cannot be trusted to deal in borrowing in the same way as he can be trusted to buy and sell in his daily life?—There are many provident people who are very ignorant, and who would not understand how to cope with a pawnbroker who wished to have a very exorbitant interest.

3173. Do you think that the people who make contracts for their daily livelihood, and who buy and sell everything which they want throughout their lives, cannot understand the simple transaction of how much they pay for a loan of money upon their goods, provided the transaction be simple?—I was about to remark that questions of interest are almost beyond the calculation of many who use the pawnbrokers.

3174. Do you think that those people cannot follow so simple a statement as that for every month for every 2 *s.* 6 *d.* they will have to pay one halfpenny?—They could follow that, and that is a scale which I recommend; but when it comes to making special contracts upon such terms as might be dictated by a skilful pawnbroker, they might be led into making bargains which were disadvantageous to them.

3175. Is it your opinion that if they were asked to pay a penny extra, they would not understand that?—That is a simple way of putting it and a way in which it would not be put to them I am afraid.

3176. Colonel *Beresford.*] Do you think that doing away with contract altogether, and throwing it open, would either benefit the pawnbroker or the pledgers?—I think it would be more for the benefit of the pawnbrokers than of the pledgers.

3177. Do you not think that throwing it open would raise up a host of small people in the trade?—It might have that effect.

3178. And that could not possibly benefit the pawnbrokers at the present time, could it?—No.

3179. Mr. Alderman *Carter.*] You have not heard of any proposition to throw the trade entirely open, have you?—I have not.

Mr. Rayner Storr, called in; and Examined.

Mr. *R. Storr.*

3180. *Chairman.*] You are, I believe, an Auctioneer?—I am.

3181. And you are in the habit of selling the unredeemed pledges taken by pawnbrokers, are you not?—Yes; that is a large portion of our business.

3182. Those sales are conducted by auction, are they not?—Yes.

3183. Do the pawnbrokers attend those sales for the purpose of protecting their goods?—They do.

3184. Are they also buyers of goods at the sales?—In the nature of protectors of their goods, they are of necessity occasionally buyers.

3185. They have to buy them in, to prevent their being sold at a loss to themselves, if they think that the public do not offer a sufficient price, is that so?—Just so.

3186. Are the sales frequented by any other class of people but pawnbrokers?—They are frequented by every class of buyers, both private persons and dealers in general.

3187. That is to say, dealers in second-hand goods?—By dealers in second-hand goods, shopkeepers, sometimes noblemen, and continually gentlemen looking out for cheap lots and bargains.

3188. Do the gentlemen generally buy themselves, or through brokers?—They generally buy themselves, but occasionally through brokers.

3189. Is the attendance pretty good at the auctions?—Very large indeed; our room is almost always crowded.

3190. Do you find that there is generally an active bidding for the goods which are offered?—Always.

,91. Do you get a reserved price put upon he goods when they are sent to you, or is the ve made by the bidding of the owner at the ?—Chiefly by the bidding of the owner at sale, who attends behind us.

92. Does he judge for himself at the time? o; he would examine his goods, and form opinon of them beforehand.

93. Does he judge as to whether the goods go at that sum?—Certainly.

94. Is it always by his own bid?—Always is own bid.

95. Are many goods bought in by pawnrers themselves?—It varies very much with pawnbrokers themselves. We endeavour courage them to sell as much as possible.

96. Do the public (that is to say, some per other than the seller of the goods) chiefly the goods, or does the seller generally buy greater part of his goods?—By very far the er portion is sold to the public.

97. What do you think is the per-centage n all round, bought by the pawnbrokers selves, of their own goods.?—I have never e a calculation of the per-centage at all, but rough guess I should say certainly not more one-third, or perhaps not more than oneth would be bought in by the pawnbrokers.

98. Your communication with the pawnrers would enable you to judge pretty well ther the prices which they get cover their nces; what is your opinion, as the general lt of your communications with them, upon point?—I should say that the general result omething like a par. There would be cery no average profit, and there would be a iderable loss occasionally. At times some ls of course may bring a profit.

199. Then they have to bear all the expenses he sale, have they not?—They have.

200. And that would be a considerable reion, I presume?—Our terms are 5 per cent. awnbrokers. They prepare their own lists, forward them in manuscript ready to our d, and therefore we deal with them in a e liberal spirit than we do with the trade at e.

201. Are all their lots prepared for you?— their lots are ready prepared for us, and the is made out for our catalogue; therefore our rge is 5 per cent. for the goods sold, free of charge, except for the unsold, which is asionally 1 *s.* per lot, but as a rule 6 *d.* per

202. Do you sell many small pledges?—Yes; asionally the unredeemed lots come down as as 5 *s.*

203. You are obliged to sell every pledge arately, are you not?—Yes, certainly; that is say, the pawnbroker is obliged to make out a of his unredeemed pledges, each pledge being arate.

3204. I suppose it is necessary to get through sale of such small goods as that with conerable dispatch?—We sell about 100 lots an ur, and that is not so fast as many auction rooms London.

3205. Mr. *Crum-Ewing.*] That is nearly two minute, is it not?—Not exactly, it varies; netimes not more than 70 lots can be sold in an ur if they are important lots.

3206. Mr. *T. Hughes.*] You say that occanally goods are bought in by the pawnbroker; t I suppose when you say that they are bought in, you mean that a reserved bidding has been fixed before the auction opens?—Yes, as a rule, a reserved price would be placed upon the lots. It is at the pawnbroker's discretion whether he adheres to that reserved price or not.

3207. Then do you allow the pawnbroker to bid just as one of the public?—Exactly.

3208. Mr. *Crum-Ewing.*] What sort of people attend those sales; are they dealers?—Very largely dealers; but, as I have already explained, we have the public in general.

3209. But the great bulk of the articles, I suppose, are purchased by the trade; by dealers?—I should say that the larger portion would necessarily be so.

3210. And not by pawnbrokers themselves?—Certainly not. There is a point in my evidence with regard to the combination of dealers which is called the "knock out," as to how far that is affected by the public bidding in general. The power of the "knock out," that is to say, the power of combination of dealers to prevent goods fetching their legitimate price, is very small indeed. It is almost at an end; largely in consequence of our care in bringing buyers in, general shopkeepers and others behind the counter, to oppose them; and largely by the reserved price placed by the pawnbrokers on their goods, which prevents the goods being sold very much below their value; and largely from the general concourse of people in the room besides.

3211. We see many accounts in the newspapers of the public being prevented from going to purchase by people being stationed in the room to prevent them; that is not true?—That is not true in our room, certainly. The letters to which the honourable Member alludes have chiefly applied to out-of-door sales, at private residences, at which such a system is more possible though not usual at all where auctioneers conduct their business well. In our place it is simply impossible; the public could not be prevented from coming into our room, and they do come.

3212. Colonel *Beresford.*] Is the reserved price, as a rule, simply the amount for which the article has been pawned and the interest upon it?—I should say, as a rule, that would guide the pawnbroker; but if he were a good man of business his chief guide, I should say, would be the actual market value of the article which he has to sell.

3213. It would not be the rule then?—Certainly not, with a good man of business. It might perhaps influence the mind of a man who was not a good judge himself. The reasonable market price at a forced sale would be the price which should guide the pawnbroker.

3214. Mr. *Orr Ewing.*] Have you good means of knowing who buys for pawnbrokers at those sales. May not a pawnbroker send a stranger to purchase?—It is possible that he might do so, but I never knew of his doing so.

3215. But might it be done without your knowing?—Certainly it might.

3216. Is it not the case that at auctions, if an independent member of the public goes in to buy where the brokers purchase, the brokers combine in order to run up any article which the independent man may wish to buy, in order to deter him from returning to purchase?—I should say that it would not be very frequently done, though it is possible that it might be done. It would be very much to the prejudice of the dealers if they did it, because they would have to buy the goods

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at a very largely enhanced value. I have heard the insinuation before, but I am quite sure that there is no ground for it whatever, or so infinitesimally small a ground that it does not operate at all.

3217. Have you known such cases?—I cannot call to mind such cases.

3218. Mr. Alderman *Carter.*] I think I understood you to say, that most of your lots were above 5*s.*?—Certainly. I think the Chairman's question was how low did the lots go occasionally, and I cited the amount of 5*s.* in order to show that very frequently pawnbrokers lose upon their 10*s.* pledges. Of course an article must be above 10*s.* or of 10*s.* to be a pledge, but it is very seldom, fortunately for them and for us, that lots are sold at that small price.

3219. I suppose the pawnbroker is not compelled to sell all his low pledges separately, but he may combine two or three pledges in a lot?—In that case they would not be auction pledges in the sense of the Act.

3220. But the pawnbroker is allowed to put two or three pledges of 3*s.* or 4*s.* together to make one lot for you, is he not?—Those would not be actually auction pledges.

3221. But above 10*s.* they have to be sold separately?—Yes. Of course he would be at liberty to combine what we call low goods, the smaller class of pledges.

3222. In point of fact, he might throw three of these low pledges together, might he not?—Yes.

3223. Mr. *T. Hughes.*] But that is because they have become his own property, I presume?—Certainly.

3224. *Chairman.*] Does your experience in business enable you to tell us how much is considered the legitimate profit of a person dealing in second-hand goods, such as you sell by auction, to a retail dealer of such goods?—I think it is scarcely in my province; I could not form an opinion as to that.

3225. Could you form an opinion upon that point from your communications with dealers in second-hand goods?—I do not think that I could give an opinion which would be worth having upon the subject. I never follow the goods beyond our own house, and I do not know what becomes of them, so that I think that my opinion on the subject would be delusive.

3226. Mr. *T. Hughes.*] Your business must have brought you largely in connection with the pawnbrokers of London, I presume?—Very largely.

3227. For how many years?—For 15 years.

3228. Do you consider them, on the whole, a prosperous body, and a flourishing set of tradesmen?—That might open out a very long answer. I associate with them as men of business, and I find that in addition to being pawnbrokers, they deal largely in contract deposits, and they deal largely in the sale of goods. They have many businesses combined under one head, and therefore when I estimate them *quâ* pawnbrokers, I should say that they would not be a prosperous body of men; but finding them as I find them, I am fortunately able to say that they are a prosperous body of men.

3229. Do you not think that the pawnbroking business, pure and simple, is a paying trade?—I do not think it would be a very profitable trade; I should not like to embark in it myself if I were cut off from any other means of livelihood.

2230. Mr. *Ridley.*] Can you give any reason for its being a large trade, then?—I should give the reason which I have just assigned, viz. that they are able to do other trades in combination with it.

3231. Do you think that pawnbroking would enable them to carry on the rest of their business more advantageously?—I mean to say that two businesses would be more profitable than one.

3232. But if the one business is an unprofitable one, how does it assist the other?—I did not say that it was an unprofitable one, but that they would not be in so flourishing a position as they are, if they were not able to combine other businesses with it.

3233. Mr. *Crum-Ewing.*] Do you mean that it would not be profitable to follow the pawnbroking trade simply?—It might be worth one man's while, but not another's. Fortunately, my friends are able to combine other businesses with it, and they are a prosperous class, I am glad to say.

3234. Mr. *Orr Ewing.*] You consider that the pawnbrokers are a prosperous class, but that they are not prosperous because of the pawnbroking, but because of the other businesses which they carry on?—I think that they are prosperous because of the businesses they carry on.

3235. Have you had occasion to investigate the books of pawnbrokers?—Very frequently for the purpose of the sale of their businesses.

3236. And you give that opinion because of the investigation which you have made, that the business is not profitable?—I did not say that the business was not profitable; I think that the Chairman would corroborate me in saying that these general questions are likely to lead to delusive answers. I have said that the prosperity of the connection for which I have the honour of acting cannot depend only upon pawnbroking, and that the fact of its being a prosperous connection is not altogether attributable to pawnbroking.

3237. *Chairman.*] Perhaps the best way of eliciting your opinion upon the matter would be this: do you think that anybody makes as much profit upon the best pawnbroking business in London, merely from his pawnbroking business as is made from the best retail businesses of other classes in London?—Certainly a pawnbroker could not make as much as is made in an ordinary retail business; in an ordinary retail business the profits would be very much larger in proportion to the amount of capital employed than in a purely ordinary pawnbroking business.

3238. Mr. *Orr Ewing.*] That is your opinion founded upon your knowledge of the two trades?—That is my opinion founded upon my knowledge of various trades.

3239. Have you any knowledge of the retail trade?—I have been called in to a good many businesses to examine books and make transfers.

3240. To what kind of businesses do you refer?—Silversmiths' businesses, and jewellers' businesses, and others.

Mr. ROBERT ATTENBOROUGH, called in; and Examined.

3241. *Chairman.*] WILL you be good enough give the Committee any information respecting e business of pawnbroking which you think ey ought to have?—I shall be very happy to so.

3242. Is there any particular point upon which u wish to give the Committee information?—I ill take the Bill, if you please, because although me portion of that, I think, would be good for e trade and good for the public, there are por-ons of it which I think would be very detri-ental to the trade, and would cause at least lf a million of money, if it were passed in its tirety, to be withdrawn from the trade forth-th.

3243. The first question that arises upon the ill which has been proposed to Parliament would em to be the definition of a pawnbroker; do u think that the present definition is sufficient establish what is the business of a pawnbroker? -I should think that if the pawnbroking interest ere divided into two parts, it would be a very oper thing indeed, the low trade being termed wnbroking. I think it would be very advan-geous to the higher class of people, who really edge to an extent of which you are hardly vare; and I would suggest as a name for the her portion of the trade "silverbrokers." Let e limit of the low trade be defined by a certain m, and let no silverbrokers go underneath that m; by the same rule the low trade should not above the sum which was fixed for a silver-oker.

3244. What would you make the limit?—I ink 2 *l.* would be a very good limit; but I would ot object to 5 *l.*

3245. Do you think that a person who carries a business under 2 *l.* should not carry on a siness above 2 *l.*, and that a person who carries a business above 2 *l.* should not carry on a siness under 2 *l.* in the same shop?—Undoubt-lly.

3246. Would you allow him to do it in another op?—I should not have the slightest objection that.

3247. Then, in point of fact, you would re-uire him to have two houses side by side, instead one, would you not?—If he occupied them for oth portions of the business.

3248. But would it not be putting an extra harge upon the people who went to borrow oney, if there were the rents of two houses to ay and two establishments to keep up?—That ould depend upon how you are going to shape our Act. I am quite sure that the Irish rate is ot more than sufficient to pay the low pawn-rokers; but, supposing you let them make con-acts for any sum they please, it will be charged t such a price that I think it would be fully re-unerative; I am sure that it would be for 5 *l.* nd under, and I do not know that it would not e for 2 *l.* and under.

3249. What is the advantage to society which ou expect would arise from imposing upon per-ons who borrow money the cost of keeping up wo establishments instead of one?—The advan-ages would be these, to my mind: there are a ery great many highly respectable people who ome to pawnbrokers to borrow money. I per-aps may tell you that I have myself more than 00,000 *l.* employed in the business. I have one house the business of which is rather low, the average of which would be something over 1 *l.*; the other three are very much higher. I hardly like mentioning any particular party; but professional people and others (I might say Members of Parliament themselves, for I have had them) come to me to borrow money, and I am sure all those people, whoever they are, of that character, who have plate and jewels to pledge, would prefer to come to a silverbroker's: in fact, I have had it suggested to me myself. Such people would not sell clothes, or anything of that sort; they would have jewellery and plate in the windows, and, in fact, such houses as the higher classes would not object to come into; it would be much pleasanter to them to come to us, and we should be in a different position from what we are in now.

3250. You would like, in fact, that the house should have the appearance of selling valuable goods, so that persons who came in might be supposed to go as buyers?—Yes, they will do it, and you can scarcely have any idea of the extent to which it is carried.

3251. What is there in the present law to prevent you from doing that, if you please?—We are still pawnbrokers, as you see. If you let the pawnbroking license remain as it is, and make the silverbroking license double the amount, say 30 *l.* instead of 15 *l.* for the license, I should have no objection to that.

3252. Above 10 *l.* you may do whatever you like, without any license, can you not?—Anything which we like. I have heard a good deal about the Pawnbrokers Act; I look upon the Pawnbrokers Act as an enabling thing. It enables me to do what another man cannot do; but it does not prevent me, in my opinion, from doing anything which another man can do, although I am a pawnbroker. In fact, I might say, that when this new Act first passed, enabling us to lend money to any amount, for any time, it was the opinion of the public that we could not do it.

3253. The only thing which the law requires you now to do is to put an inscription over your shop, I believe?—"Robert Attenborough, Licensed Pawnbroker," and that is rather objectionable.

3254. The only alteration requisite in the law, to give effect to your views, seems to be that you should not be compelled to put that inscription on your house if you do not deal in pledges under 40 *s.* or 5 *l.*, as the case may be?—Certainly; or whatever is your pleasure.

3255. But that is all the change that would be necessary in the law to enable you to do what you want to do without interfering with the wishes of other people who wish to do otherwise; is not that so?—Of course I would rather that there should be no inscription over the door.

3256. There is nothing else required at all, is there?—Not with regard to the title of the trade. I have no objection whatever to all the regulations; they are of no difficulty or trouble to me in any way.

3257. In those cases I presume you wish to make your own bargain for everything above the limit which you prescribe?—Not at all; I am quite satisfied with 15 per cent. per annum, as it stands now, whether you fix it for 2 *l.* or 5 *l.*

3258. On

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3258. On transactions above the limit which you propose, do you think that the rate of interest is sufficient?—Quite sufficient; I think 15 per cent. per annum is quite sufficient.

3259. Mr. *T. Hughes.*] How do you mean that it is 15 per cent.?—It is 15 per cent. per annum above 2 *l.* 2 *s.* The Act of Parliament gives 15 per cent. per annum, which is 3 *d.* in the pound per month, and below 2 *l.* 2 *s.* it is 20 per cent. per annum, which is 4 *d.* in the pound per month.

3260. *Chairman.*] Have you considered the case of the people who do a very mixed business in the country, and would you leave them, if they pleased, to conduct both operations in one establishment?—I should think it would be very prudent in the country.

3261. Therefore, would you make it a permissive power for people who wish to do the higher business, that they should not be compelled to put the inscription that they were pawnbrokers over the door of their shop?—I think it would be very advantageous indeed.

3262. You have given us your opinion upon the profits as a silver broker; what is your opinion of the present scale of charge for the lower business?—I do not do it, but I fear it is not enough; I think you might adopt the Irish rate of one halfpenny for 2 *s.* up to 2 *l.*, not 2 *l.* 2 *s.* They seek to have it for 2 *l.* 2 *s.*, but I think guineas are quite obsolete. I would not under any circumstances, recommend it above 2 *l.* I would say 2 *l.* or under. I am also in favour of doing away with fractions and farthings, and thus I am in favour of doing away with half months, but I would give no whole months under 10 days. I have sat here day by day and heard the evidence, and 10 days is very simple to calculate. From the 15th of June to the 15th of July would be one month, and then after the 25th of July it would be two months; it would be very simple.

3263. A week would be more simple, would it not?—No; it is not sufficient for the public. They have no business to be called upon to pay a month's interest for seven days; it is not right. By the same rule, I should regulate the higher trade as well; I do not wish to make one law for one, and one for another. Again, it has been suggested that you should mark the rate of interest upon the ticket; I think that would cause less dissatisfaction. If so, of course you must do away with what we call the "per annum." It would not be per annum. If you will allow me, I will illustrate it; 20 per cent. per annum on 3 *s.* for one month, is three farthings; for two months, although I multiply the money to give the right rate and say, twice three are six, it is five farthings; for three months, three times three are nine, but it is 2 *d.* It is those fractions and the 20 per cent. that confuse people; therefore I would give them one halfpenny, and a penny, and three halfpence per month, and not a multiplication of the principal sum to get at the 20 per cent. per annum.

3264. You would take the unit upon the month, and leave them to multiply it?—Exactly; and moreover it would be very profitable to them, because I have taken some pains to calculate it, and I am quite satisfied that the Irish rate taken up to the 1 *l.*, as I suggest, would not be less than 35 per cent. per annum, instead of 20 per cent.; and I have no hesitation in saying that up to 2 *l.* it would be at least 30 per cent. per annum. When we get above 2 *l.* we do not take fractions.

3265. What do you think of the simplicity of having one halfpenny for half-a-crown?—I think it is not enough for them, and that it does not pay. It would do good to be more liberal for this reason: there are a wretched lot of dolly-shops, or wee-pawns, as they are called. Feeling that I might have the honour of appearing before you, I positively devoted Sunday morning to coming from where I live, for the purpose of looking at those houses. We have one between me, in Charlotte-street, Fitzroy-square, and Mr. Dobree. I have been there nearly 40 years. There is a house that a man of the name of Abrahams keeps. He was in the New Road, and he had there nothing but a leaving-shop. He was prosecuted by the St. Pancras vestry for taking in some of the vestry apparel, and, finally, he left there; and now he has stationed himself in a back street called Cumberland-street, which runs parallel with Charlotte-street. That man positively tired my patience out. His shop was open and they were very busy; people were going in and out up to 12 o'clock on the Sunday. On the Monday morning I looked out that house in the "Directory," and found, to my horror, that he was a pawnbroker. He has endorsed himself as a pawnbroker, although, as he breaks the law, he might be punished for Sunday morning trading.

3266. Mr. *T. Hughes.*] Why does not your society prosecute him?—They ought to do so. They do not do half, I think, what they ought to do.

3267. And yet they come to the Committee to help them, when they might help themselves?—They ought to punish such men, and then I am satisfied we should root them out. This man has positively gone and taken out a license, and he is a pawnbroker. They employ only about 500 *l.* They do not take in anything but soft goods; for instance, wearing apparel; they do not take in any plate or jewellery; and, I daresay, by their charges they make 500 *l.* profit upon that, or very likely more.

3268. *Chairman.*] What is the occasion for the existence of those people?—They take in goods that we should not take in.

3269. You do not take in the goods, because it is not profitable to you to take them in under the Act of Parliament, I presume?—Not only that, but if I have a lot of low people in my shop, respectable people will not wait. If a gentleman comes into my shop to pledge a 20 *l.* or 30 *l.* watch, he will not stay beside a female of that class.

3270. The result appears to be this: that the law not allowing people to do what they want to do, they do it in spite of the law?—That is so; and then, again, they are open at all hours of the night.

3271. Is there not a remedy for that, by allowing people to do what they want to do?—If you come to the conclusion that there is to be free trade or free contract, you will endorse all those people who are now punishable.

3272. Would not the remedy be to allow the pawnbrokers to carry on the business in such a way as the community wish to have it carried on so that the public need not go to anybody else?—I do not quite understand you.

3273. You say that you do not do this business because it cannot be done profitably by you and therefore the business is done by other people, the legitimate pawnbroker cannot do this business

ness; is not that your statement?—They not do what is right, though that is a bold ng. I would not keep open my house a ent longer than the law allowed, and, in fact, not keep it open as long as the law does w. I open at eight o'clock, whereas the law seven o'clock; and I close at seven o'clock, reas the law says eight o'clock. There is a nbroker at the back of Mr. Dobree's, a highly ectable man, in Norfolk-street, who, no ot, would do the business if it was profitable, it ought to be done in the hours prescribed aw, and not on the Sunday.

274. Is your complaint confined to its being e on Sunday?—Not only on Sunday, but r the hours of business, and done in a way ch is thoroughly dishonest. They take things charge 6 *d.* for 2 *s.* 6 *d.* for a week.

275. Mr. *Orr Ewing.*] This gentleman whom refer to is a pawnbroker, is he not?—He has en out a license this year.

276. I suppose you agree with the right orable Chairman that you think a person er the Act ought to be punished for disying the Act?—Undoubtedly; I think the ce ought to punish such people. I wish our le would do it; but they do not, and for me, an individual, it would be very unpleasant to it.

277. Is it not the duty of the police to inigate those cases?—It ought to be so; but take no notice of it whatever.

278. Would you wish your trade to be put e under the surveillance of the police?—I uld not; if that was done I feel that at least a million of money would be withdrawn n the trade immediately, in London only.

279. Do you not think that the respectable nbroker has nothing to fear from being placed ler the inspection of the police?—Certainly

280. Whereas those dishonourable men, who a disgrace to the trade, would be pulled up punished when they broke the Act?—It uld be very objectionable to me, if policemen e allowed by law to come behind my counter look over my books. It would be very obionable to the needy genteel people who want pledge articles. I have a house in Duke-street, nchester-square, where we have beautiful dges, and I am sure my customers would be y sorry for a policeman to be allowed to come there and inspect the books.

3281. But the policeman would not know who se persons were; they never give their real nes, do they?—I beg your pardon. I know m all; my book contains their real names.

3282. Those pledges would be for very large ounts, would they not?—In all my pledges ve 10*l.*, I, of course, have to take care to ow who I am dealing with. In my ordinary siness we only take in perhaps 30 or 40 or 50 dges a day.

3283. I do not think that the police would be ry likely to trouble a respectable gentleman e yourself; laws are made not against the ll-doing, but against the evil-doing; and it is the purpose of restraining the evil-doers, that wnbrokers should be placed under the inection of the police?—I would not mind how ich you punished a man for doing wrong, but think giving a policeman the power to come o my house, and to go behind my counter, and o my warehouse, and to look at my books, would be very offensive to my feelings, and even though it might be done only once a year, I should say "Good-bye, I am off."

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3284. If a robbery took place, and the police got information from the party who had lost the property that such a robbery had taken place, would it not be well that the police should have the power of going in to see whether any such property was recorded in the books, and if there was a suspicion that it was in the house, that they should have power to inspect the goods?—I think it totally unnecessary, inasmuch as any respectable pawnbroker would lend what assistance he could to detect thieves. If the police come to my house, as they do daily, and give us a paper, our business is first to see if we have those goods, and next to guard against receiving those goods. It may be right in Scotland, but I am sure it is unnecessary in London.

3285. Supposing that a pawnbroker were less respectable than yourself, might he not accept of stolen goods?—There is no man in London or the country occupying as much money in legitimate pawnbroking as myself; but there are plenty of pawnbrokers in London equally honourable and upright as myself; I hope there are hundreds.

3286. But I suppose there are some who are less honourable?—I fear there are, but I think very few; I should hope that there are certainly not 50 men in the metropolis who are doing business in any dishonourable or dishonest way.

3287. May not those 50 men do a great deal of mischief to the public interest?—Of course they might do mischief; but I hope there are not 10 such men. I am not speaking of my neighbour, Mr. Abrahams, and that class of people; but if you were to make free contracts, and if you were to throw the thing open, I am persuaded that there would be 500 pawnbrokers more in less than two years than there are now, and half of them Jews of the very lowest type in the metropolis.

3288. Mr. *T. Hughes.*] Does not the limit as to the hours prevent these from pawning?—I do not think it has that effect.

3289. Do you not think that being open all night would encourage pawning by thieves?—I would not have it open all night. I am in favour of from eight o'clock in the morning to seven o'clock in the evening all the year round.

3290. Then you approve of the present rule as to the limitation of the hours?—Not quite. I believe it is from eight o'clock in the morning to seven o'clock in the evening from Michaelmas to Lady-day, and from seven o'clock in the morning to eight o'clock in the evening from Lady-day to Michaelmas.

3291. But I understand you to be against taking away those restrictions as to hours?—No; I want it myself from eight o'clock to seven o'clock; I think that is quite long enough.

3292. Then do I understand you also to be in favour of a compulsory scale?—Decidedly; most assuredly; it is absolutely necessary.

3293. You do not think that absolute free trade would be beneficial?—It would be the most ruinous thing you could do, because, as I said before, I firmly believe that half a million of money at least would be withdrawn from the trade.

3294. May I ask whether you think that it would be a good thing to make the sale of pawntickets illegal, or to have some stronger law as regards

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regards the sale of pawnbrokers' tickets?—I do not think you could do better with it; you have already the 10*s.* limit; under that they are a low parcel of goods, and those they do not account for; above 10*s.* they are all accounted for.

3295. Your namesake, one Mr. Richard Attenborough, made a strong point of that; he thought that it would be beneficial to make the sale of pawn-tickets absolutely illegal; but you do not agree with him?—I did not understand the question; I should be very glad indeed if you would do so. With all we can do, we cannot avoid being "done," if I may put it pithily. In point of fact, I have no doubt that from 100,000 *l.* to 150,000 *l.* at the present moment is lent on pledges in the metropolis, all of which is pledged at a profit by those fellows who have no idea of ever taking those pledges out, and they go and sell the tickets. If once they were debarred from selling the tickets, the profits which they get on the goods would not be sufficient for them. It is not only the profit on the pawning, but there is a profit on the sale of the tickets as well. As a counterpoise to that, I think it would be a very good arrangement to introduce a clause whereby a respectable person having goods in pledge might give notice to the pawnbroker that he was not able to redeem them, and was not likely to be able to redeem them, and that he would feel obliged by the pawnbroker's disposing of them; thus stopping the interest and abandoning the goods, and making it imperative upon the pawnbrokers that so soon as they received that notice they should take the earliest opportunity they had of selling. I allude there more particularly to pledges above 10 *s.*

3296. If a man brought back his duplicate and said to the pawnbroker, "Sell the goods," you would suggest that they should then be sold forthwith?—Yes, at the very next sale. I do not say that he should have a sale on purpose. I myself sell with the gentleman, the Committee had before them just now, over 20,000 *l.* a year, regularly year after year; I sell a good deal more than that now, but I go into the City. There is a very respectable firm of auctioneers in the City, and circumstances have transpired which have caused me to send perhaps 10,000 *l.* worth a year to Messrs. Johnson & Dymond, in Gracechurch-street. They are equally respectable with Messrs. Debenham & Storr, and neither of them, I am sure, would be a party to anything wrong. If any low pawnbroker, or anybody else, were to attempt to have what I call a fallacious sale, and he were to give one of those gentlemen 50 *l.* or 100 *l.*, he would not be a party to it; I am as confident of that as that I am now here.

3297. One of the former witnesses gave evidence as to what had taken place in Australia; can you give me any information as to that?—I cannot; but I have heard that the system there was a total failure.

3298. *Chairman.*] With regard to the expediency of shortening the time absolutely, do I understand you to say that you would leave it to the pledger to shorten the time?—No; the statutory rate must be defined, because there is no contract; but I rather differ from my friends in the higher class of business in regard to that; I am quite in favour of six months, with three months notice.

3299. Mr. *T. Hughes.*] So are they, are they not?—Not my more immediate friends; not the pawnbrokers who are employing large sums of money in the business.

3300. I understand them all to object to the year?—No; I know their object. There is a gentleman in the room at the present moment with whom I have had a great deal of conversation upon that. He says if you will let the pledges be sold at the end of six months, that will lessen the amount of capital that is required in the trade.

3301. *Chairman.*] I do not see that in the least; will you explain how that would arise?—I will take a 20,000 *l.* stock, for instance; that 20,000 *l.* stock would be pulled down to 15,000 *l.* directly, and the 10,000 *l.* to 8,000 *l.*

3302. It only represents the interest upon the interest, does it?—No, I have such an amount under six months, and such an amount above six months, in a 20,000 *l.* stock. I will take it for granted that I have 5,000 *l.* over and 15,000 *l.* under six months.

3303. Your profit consists in 15 per cent. per annum upon the capital, does it not?—Yes.

3304. The whole of that capital must be invested in order to give you 15 per cent., per annum, and therefore, whether the pledge is for three months or for one year, the thing is precisely the same, is it not, except that in one case you get interest upon interest, and in the other case you do not?—If you will allow me to explain. We have only six months' pledges in our houses. We do not want the capital. The capital must go away. I could work the 20,000 *l.* business with 15,000 *l.*, if I had only to keep the goods for six months, without any difficulty whatever.

3305. Mr. *Crum-Ewing.*] You have heard most of the evidence given before this Committee, have you not?—I have.

3306. I understand that you do not agree with those witnesses who state that the pawnbroking business has not been profitable?—I will tell you why it is not profitable, it is because they compete so much with one another; if they would but do all their business, every particle of it, to make it pay 20 per cent., that which is sold as well as that which is redeemed, I believe it would pay; but instead of getting anything by their out-of-date goods, in many instances they lose 15, 20, or 25 per cent. by them.

3307. Mr. *Orr Ewing.*] Then, an Act of Parliament would not do you any good, would it, even though we raised the rate, the competition being so great?—I am very much afraid that there would be more competition than ever; but still I am in favour of it, and I do really think that if the Irish rate was adopted up to 2 *l.*, it would be an advantage. I do not myself think it necessary to have 20 per cent. higher than 2 *l.*; but I daresay that would not be acceptable, therefore I would agree to 25 per cent. up to 2 *l.*, and 20 per cent. up to 5 *l.*, but certainly no more than 15 per cent. above 5 *l.* By giving the monthly rate, to commence at the end of ten days (which is four days in their favour) and by doing away with the 25 per cent. per annum, which is really a serious thing, that is 10 per cent. in favour of them up to 1 *l.*

3308. You mean one halfpenny for 2 *s.* up to 2 *l.*, one halfpenny for 2 *s.* 6 *d.* above 2 *l.*, and a halfpenny for 3 *s.* above 5 *l.*; is that so?—It is hardly a halfpenny for 3 *s.* now, but it would so be, of course, under the new scale that I would suggest.

3309. Those are the three rates?—Those are the

e three rates. My own opinion is, that it uld be hardly satisfactory without 20 per cent. to 5 *l.*

3310. Mr. *Crum-Ewing.*] Is one of your tsons for desiring that the rate of interest ould be restricted, that the dishonest or the ver class of pawnbrokers might not be able to fraud the poor people?—Decidedly; I would ver go so far as to say that if you let it be e trade, pure and simple, from 1 *s.* up to 10 *l.*, ere are not pawnbrokers who will never do the ket at the statutory rate. Some men would, doubt, charge 50 and 60, and even 100, per t. per annum, and those are the 500 people t we shall have coming into the trade, and o I am sure will turn out a great many respec- ble men.

3311. Mr. *Orr Ewing.*] You think that the ople who do business with pawnbrokers are not e to defend themselves?—Certainly not; I s very much astonished at an answer that was en this morning to a question which was put essively clearly by the right honourable airman to a witness respecting the essence of transaction in the mind of a party coming to row. Most certainly the essence of the trans- ion is the amount of money. If they can half-a-crown instead of two shillings, they l pay more for it. The great thing is to get a g price, and then they care not what you rge them. That is, no doubt, the very essence the low trade. In fact, I know what the re- t of free trade would be directly; 500 people uld come in, 300 or 400 of whom would be of lowest families of the Jew order, and the olic would be robbed desperately.

3312. You do not like the Jews, I fancy?—I like them; I like no men more; but I believe t the very lowest type of them will do things ich Gentiles will not do. At my house in City, I do a large business with Jews, and y are mostly respectable men.

3313. Do you think that the people who deal h the low pawnbrokers just now are able to ow that they are paying much more than the wnbrokers are at present entitled to charge?— t at all; you may rob them wholesale, if you e, and no notice will be taken of it.

3314. At the present moment you are of nion, therefore, that they may be greatly im- ed upon?—I fear that there are some pawn- kers who do impose upon them.

3315. I suppose that is principally the case in low shops?—Exactly; you see, the pawn- kers in London, as a whole, have nothing to with Glasgow; I should say that the Glas- w pawnbrokers and the Glasgow pawnbroking a different kind of thing altogether, and is much er in its character than the London trade. I uld myself think (though I do not know much ut it) that I occupy about as much money as whole of the pawnbrokers in Glasgow, or tainly as much as half of them, to put it hily. I am of opinion that the more capital put into the trade the more respectability l attach itself to it.

3316. Do you not think that, under those cir- nstances, it would be well if the law prevented advance to a pledger below 2 *s.* 6 *d.*?—I have doubt of it.

3317. Do you think that it would be a benefit the public?—I think it would; it would take ew weeks or months for the poor people to get o it; they would have to learn providence; week by week the women fetch out six or eight pledges, amounting to less than 1 *l.*; whereas, if once they could be made, by degrees, to keep the 1 *l.* that their husbands give them, and spend it during the week, it would be a great benefit to the trade, and it would be a great benefit to the public at large.

3318. Would you prevent body clothing and bed clothing from being pawned?—I would not; I would rather prevent a pledge being made below a certain amount.

3319. Do you think that the money that is obtained by pledging articles for those small sums is generally made an improper use of?—I do not.

3320. You have, perhaps, not very good means of knowing as to that?—Yes, I think I know a great deal of the trade; I have been nearly 40 years in the trade, and I have had a great deal to do with it; I should not be surprised if that was the case in Glasgow; they are a low class of people there, on the whole; there may be some few good respectable houses in Glasgow, but I know, as a whole, that the Glasgow business must be very low indeed.

3321. The pawning in Glasgow is principally by Irish people, is it not?—Of course that is very bad. The lower class of Irish pawning, I should think, would be very bad.

3322. Mr. *T. Hughes.*] You would not there refer to the Scotch, of course?—I hope you would not think me rude or personal; I have listened to the evidence as it has been given, and in fact, I am sure if you take the average of pawnbrokers in London and the average in Scotland or Glasgow, there would be a very material difference.

3323. Do you think that the system of pawnbroking might very well be done away with altogether in such a place as Glasgow?—I do not think so. I think that if you did so you would have a very great difficulty with the higher and middle classs of people.

3324. Where the average amount of pledges is 4 *s.*, do you think that it can be of much benefit to the working classes to have the means of raising money for a temporary difficulty?—I think it is beneficial to a certain class of people. If they were to go to the Jews, and, as a natural consequence, had to sell their clothes instead of pledging them, they would not get anything like the amount for them to begin with.

3325. Do you not think that many a person would pledge an article that he could not make up his mind to sell?—No doubt; but that would be a desperate remedy to get money.

3326. Do you not think that though a pawnbroking system may be now and again a benefit to a person in distress, on the whole the evil attending it is much greater than the benefit arising from it?—I am quite satisfied that it is very great, no doubt.

3327. Colonel *Beresford.*] Have you looked at the schedule to the Bill?—I have.

3328. Do you agree to that schedule?—No.

3329. What is it that you object to in the schedule?—I object to any free contract under 40 *s.*; but I would sooner have it at 5 *l.* I heard some questions put by the honourable Member for Leeds, in reference to pledging a chair or a table, or something under 40 *s.* When you have got the rate up to 25 or 35 per cent., as you will do with the fractions, and by giving a second month for 10 days, I think it will be worth a

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pawnbroker's while to take in a chair for 5 *s.* or for 10 *s.*, or a chest of drawers, we will say, for 1 *l.* I think 5 *s.* for 1 *l.* for a year is a very good rate of interest.

3330. Supposing that it is taken out at the end of the week, what would be the charge?—Then it would be 5 *d.*, and 2 *d.* the ticket; but that is not the sort of thing that is brought for a temporary advance. They are very clever at that; they bring a wedding ring for a week, or some small article, in preference, a hundred times over, to a large one.

3331. *Chairman.*] Who do you think has the most intelligence in dealing with a transaction, and knows best the value of his goods; a workman pledging the coat he wears, or a gentleman of fashion or a lady of fashion pledging a diamond ring or a brooch?—They are very extravagant.

3332. Which do you think forms the best judgment of the value of their commodity?—Most assuredly the gentleman or lady of fashion, because they are more educated and qualified to do business.

3333. Do you think that a gentleman knows better the value of a diamond ring than a workman knows the value of the coat he wears?—A gentleman coming to me with a diamond ring worth 50 *l.* or 100 *l.* knows what it cost him. This morning I called in at Duke-street, and a gentleman was waiting there with a sapphire ring. The manager of the business was not able to take it in; the gentleman wanted 100 *l.* upon it, but he was told, "Mr. Attenborough will be here in a few minutes, if you do not mind waiting for him." I live at Hampstead, and I called on my way into town. He said, "It cost me 120 *l.*," and he told me where it was bought; he wanted 70 *l.*, in fact, for a particular purpose. My manager had offered him 60 *l.*, but I lent him 70 *l.* upon it. They know the value of the goods.

3334. Did he know the value of that ring in the trade?—No; he bought it at Hunt & Roskell's; he only knew what he had given for it.

3335. He had no notion of the value of the ring, I suppose?—No, I do not think he had, excepting that he knew that it cost him that amount.

3336. Now let us come to the workman who has bought his coat, and knows what he has given for it, and who has probably sold his old coat before; does not he know the value of a new coat?—Undoubtedly he is quite as able to bring intelligence to bear on dealing with his own wearing apparel as another person is upon plate and jewellery.

3337. That is exactly what I was asking you; is not a workman as good a judge of the value of his old coat as a gentleman of fashion is of the value of such a thing as you have described?—Exactly.

3338. Mr. *Orr Ewing.*] I suppose that the coat of such a man would be of more value to the man wearing it than it would be in the market?—Very much more; it is a very different thing buying from an old-clothes man and selling to an old-clothes man.

3339. *Chairman.*] A workman who probably buys and sells in that way would be a very good judge in the matter, would he not?—A pretty good judge, but not so good as the Jews.

3340. Mr. *Orr Ewing.*] Do you not think that the person who buys goods in the way the right honourable Chairman indicates is generally of a very low class, and a dissipated and worthless man?—I think not; I do not like to go so far as that, but I wish weekly business was done away with altogether.

3341. *Chairman.*] The question is rather, whether a workman who has, providently, bought a second-hand coat, and, when he has worn it, has sold it again, is not a good judge of the value of the coat that he wishes to pledge?—I think so, decidedly. The honourable Member for Dumbarton looks at pawnbroking in a very different light from what I do.

3342. Mr. *Orr Ewing.*] I beg your pardon; I am describing just now the man who is dealing with the pawnbroker, and not the pawnbroker?—I mean that the honourable Member thinks, or the honourable Member for Paisley thinks, that the pawnbroker is there; *ergo*, the man is taught to drink because he can go to the pawnbroker and get money; but I do not look at it in that light. No doubt there is a good deal of pawning for a bad purpose, but I think there is a great deal of it which is very provident.

3343. How do you account for the fact that pawnbroking is looked upon as a disreputable thing by the working classes themselves, as shown by the circumstance that you never can ascertain their names?—It is an unpleasant thing, if people want money, and they always feel some amount of shame about it.

3344. Did you not tell us that you get the real names of gentlemen pawning with you?—We get the names of those pledging above 10 *l.*; we do not have much difficulty in that.

3345. Do you not think that it is because the working classes are ashamed to get money from a pawnbroker that they do not give their real names?—There is no greater shame in that than in going to a banker.

3346. A banker always gets the real name of his customer, does he not?—Yes, but a man who is accustomed to go to a banker, and have a great amount placed to his credit, as I can do myself whenever I want it to any extent, thinks nothing of it. I can go to Scott's, or the London and Westminster, and I can have any quantity of money, and I do not feel any unpleasantness. To illustrate my argument: I know gentlemen who would rather borrow money of me at 10 per cent. than go to their bankers, and pay 5 per cent.; it is such an easy way to get 50 *l.* or 100 *l.* without any difficulty. I ought, perhaps, to tell you that we do not charge 15 per cent. above 10 *l.*

3347. When a workman is dealing with a grocer or a butcher, he is not ashamed to give his full address, is he?—No.

3348. And he is getting credit there in the same way, is he not?—I feel it is the case that they are ashamed of being known to deal with pawnbrokers; I am well aware of it. I am not at all disposed to deny it, or to extenuate it.

3349. Mr. Alderman *Carter.*] Is not your business exceptional to the general rule?—I have four businesses.

3350. But taking the one in the City; at that one shop how many pledges may you have under 5 *s.*?—That I could not tell. I could tell you what amount of pawnbroking stock I have, and I could tell you what amount of stock I have altogether, for I took the trouble to look before I came out. I could define the contracts from the genuine pledge stock. The proportion is not quite one-third.

3351. Can you tell me how many pledges you take

ke in at the low shop, as you call it, during the ar?—About 48,000 or 50,000.

3352. Are these below 5 *s.*?—No, altogether.

3353. What proportion of those would be below 5. ?—I have no idea; but they will average mething over 1 *l.* each.

3354. Then yours is an exceptional trade even this shop, because the evidence that we have d here is that the average pledges are about .—Yes; but you did not have the West End men, ho are not moving in this matter, except to pre- nt the trade being made so hateful that we all have to retire from it.

3355. I am desirous of knowing how far you e able to give an opinion in reference to what e call the low business: you have spoken of e low business at Glasgow; may I ask you ether the best of the Scotch pledges come to gland?—We have often goods sent up from dinburgh and Glasgow to have money advanced on them. A short time ago a lot of jewels ere sent up to me.

3356. You made use of this expression a short ne since in regard to parties pledging; you said at they might be robbed wholesale; now, do u gather that from your experience of the tter class of people pledging; or is it merely an inion which you form of the lower class of edgers, that they can be robbed wholesale when ey come upon this business?—I have no doubt hatever that they might be. If I were to arge my customers 20 per cent. instead of 15 r cent., I do not think they would object. That int is not raised at the time.

3357. But when you are taking a large pledge special contract, you agree about the interest, suppose, as well as about the sum advanced?— ndoubtedly.

3358. Then is it your experience, having re- rd to those who pledge for large sums, that ey can be robbed wholesale?—They are not bbed.

3559. But do they bargain at all as to the in- rest?—Not generally speaking; they do some- mes. I had an instance of it only about a rtnight or three weeks ago. As a rule, we charge 5 per cent. per annum; but there are gentle- en and others who will not pay that, and if I ill not lend them money at 10 per cent. or 12½ r cent., they will go elsewhere and get it with- it any difficulty. I have no hesitation in stating at I have at least 10,000 *l.* in one house, at less an 15 per cent. per annum, on plate and jewel- ry.

3360. Mr. *Orr Ewing.*] Do you never charge ore than 15 per cent.?—I would not say that have never done so; but if I take a large bulky undle of woollen cloths from the City, I might harge more. When money has been scarce, a w years ago, at 10 per cent. per annum, and en went down again to 5 per cent, I charged 0 per cent. for those bulky woollen goods; but en I did not raise a farthing upon plate or welry, which is the principal staple of the siness.

3361. *Chairman.*] I understand that your rate 15 per cent. per annum, and that if persons me and ask you to reduce it, and will not do e business unless you do reduce it, you some- mes do, and sometimes do not reduce it?—If it plate or jewelry, I do not send it away. If ou do business at 10 per cent. per annum, you ust not speculate upon the property you are lvancing on. Only a week or 10 days ago a gentleman brought me a tiara, and wanted 2,000 *l.* upon it. I could have sold it for 2,000 *l.*, I dare say, to a diamond merchant, but I would not lend him that amount, because he was objecting to pay more than a certain amount of interest; therefore I said, "I will lend you 1,900 *l.* upon it, and if you like to pay a higher amount of interest I will lend you 2,000 *l.*" He would not do so, and he went away.

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3362. Was that because there would be a risk in keeping it?—There would be the risk of his not redeeming it. He was a foreigner, and I had a good introduction, which I generally do get if a stranger comes to me for large sums. He must be introduced by some person or other.

3363. Mr. *Crum-Ewing.*] In fact, you make a bargain according to the risk?—I never make any bargain except I am called upon to do so. I have at this moment a very large lot of plate and jewels, of one person, to the value of some thousands of pounds. He came to me and wanted me to lend him money at 10 per cent. per annum, and I rather demurred to that; but I found that if I did not do so he would go elsewhere, and I agreed to find him any quantity of money he wanted at 10 per cent. per annum; that was some years ago, and I have never charged him more than 10 per cent. per annum since.

3364. Supposing that I came to you with 1000 *l.* worth of plate, and asked 500 *l.* upon it, the plate being valued just at the value of the silver, I suppose you would lend it me at a very low rate of interest?—I would.

3365. Whereas if I asked you to lend me 750 *l.* upon it, you would ask me more interest?—Not if it was worth 1,000 *l.*, or 800 *l.*, or 900 *l.* either.

3366. Mr. *Whitwell.*] What would you call a low rate of interest?—I should do it at 10 per cent.

3367. You say that 15 per cent. is a reasonable rate for those high pledges, do you not?—Quite so.

3368. What charge do you impose beyond the actual per-centage?—You see there is a stamp for 100 *l.* or over 100 *l.*, and I should perhaps charge 5 *s.* for the memorandum and entering into the contract.

3369. But supposing that it is not plate; do you charge anything for storage?—Not anything.

3370. Does the 15 per cent. cover the charge for everything, except the charge on the contract?—Everything.

3371. You said that you had taken woollen goods upon which you have charged 20 per cent.; did you charge anything on these woollen goods besides that 20 per cent.?—Nothing at all, excepting 2 *s.* 6 *d.* or 5 *s.*, according to the amount.

3372. Have you a large number of woollen goods brought to you?—No.

3373. What per-centage would you advance on woollen goods?—At the present moment 15 per cent. per annum.

3374. What per-centage on the cost price would you advance?—The cost price is not the value, but it is what we can get for them; what they would fetch; what Mr. Storr can get for them.

3375. What per-centage would you advance upon what you appraise them at under Mr.

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Storr's hammer?—I will lend 100 *l.* upon what I think will fetch 110 *l.* directly.

3376. I think I understood you to say that your capital in your business was 100,000 *l.*?—I have more.

3377. Taking it as at 100,000 *l.* for the purpose of calculation, and supposing that you have about 30 or 40 pledges a day at one house, does the 100,000 *l.* cover that small number of pledges?—No; I have four houses employed.

3378. What is the value of the pledges on an average left at the house where you only take 30 or 40 pledges a day?—We take in there about 1,000 or perhaps 1,200 a month altogether, speaking from memory.

3379. What is your capital in that establishment?—It is just upon 30,000 *l.*

3380. That would be about 12,000 pledges a year for a capital of 30,000 *l.*, would it not?—Yes.

3381. The average of those pledges would be 2 *l.* 10 *s.*?—Yes.

3382. So that very very few of them would be small pledges?—They are not.

3383. Would not the bulk of them be large pledges?—Not large; there are a good many above 10 *s.*; amongst those 34 or 35 a day, do you include those pledges upon which you advance money under special contract?—Undoubtedly.

3384. Therefore, I am not surprised that the average should be large in value, because your special contracts, I understand, are very large sometimes?—Yes.

3385. Have you a form for your special contract?—Yes.

3386. Has it been handed in?—I have not brought it with me, but I will send it.

3387. Does it specify the rate of interest?—It does not, it leaves it open.

3388. But on the contract itself, does not the party who pledges know what interest he has to pay?—Before he signs the contract it is filled in, and he sees it.

3389. Do you lose much in the best of your shops upon the sales?—I have not lost much; since the year 1866 we have been very much troubled in realising on those goods; I do not wish for a moment to leave the impression that I have lost money, but I do not think that for the last two years I have got anything, and selling 20,000 *l.* or 30,000 *l.* worth a year and getting no profit is a very serious matter.

3390. Could you give me the number of cases where you have repaid the over value for which the article was sold?—I could not tell that; I should think I do not pay less than 500 *l.* a year.

3391. Do you pay as much as 500 *l.* a year?—I think I do.

3392. Would you have any objection to look at your books, and give the Committee further particulars upon that?—I hardly know how I should get that, because a good many pledges are sold at the request, or by the permission or consent of the parties.

3393. Can you lay before the Committee your sale book, showing the amount of the advances upon the articles put up for sale, and the amount realised?—That would include only pawnbroking. When I make that reply, I include contracts and everything. My sale book which I could show you for each house, and which is kept according to the Act of Parliament, would only show pledges above 10 *s.* and below 10 *l.*

3394. Have you any objection that the trade should be compelled to pay the overplus to a party who requested it, and in order to ensure that, that the trade should send a notice to the party who pledged an article, stating when that article was going to be sold?—I have no objection whatever to that, excepting that we could not do it, because they do not give us their right names.

3395. But presuming that a party did give you his right name and address, do you see any objection to the trade being compelled to send notice to such a party of the day on which the article would be sold?—I should be quite willing to do it; and I do have letters written to give them the information.

3396. You have taken some interest in those dolly-shops, have you not?—Yes. Those are shocking bad houses.

3397. You have told the Committee that in some cases they charged as much as 6 *d.* on 2 *s.* 6 *d.* week?—No doubt about it.

3398. In what way could the Committee ascertain the facts as to those shops?—I do not know. They buy the goods with the understanding that they are to be had again in a certain number of days, and that such a charge will be made.

3399. Seeing that your association has the means of getting information, cannot it in some form present this as a matter of fact before this Committee?—I do not see how they can get the information, because we are so distinct. We do not recognise them in any way whatever.

3400. Can you give any further information to the Committee with respect to their illegal proceedings?—I think everything they do is illegal. I am only sorry that the magistrates, when they have them before them, do not treat them more severely. I saw Sir Thomas Henry fine three or four of them 40 *l.* a piece not long since.

3401. What you say now is not evidence but only your own conclusion; can your association furnish the Committee with any evidence as to the facts from persons who have been so defrauded?—I do not think they could. The fact is, that the association has very little to do with the work.

3402. Mr. *Crum-Ewing.*] Do you consider that it would tend to add to the respectability of the pawnbrokers and to the benefit of the poorer classes if they were obliged to take out annual licenses?—I do not think it would; but I allude more particularly to London. In fact, I had a county magistrate with me only yesterday, and we we were talking the matter over. You would give them a great deal of work, and I do not think they would be able to get through it; it would be decidedly unpleasant to respectable men, and I do not think it would do any good with the majority of the pawnbrokers in London.

3403. Do you think there would be any difficulty as regards respectable people?—No difficulty, but it is not that; I should not like myself to have to go to a magistrate every year to get a license.

3404. Mr. *Orr Ewing.*] You are obliged to go to the Inland Revenue, are you not?—Yes, they give us notice, and we pay.

3405. You get it easily enough, do you not?—Yes, they send us notice, and I send a cheque for the money, and it is paid; I have received notice this morning for two of my houses,

406. In the same way, if you were licensed he magistrates, you would get notice, and then would pay the money, and you would get the nse, would you not?—I think it is deroga- ; you are bringing us on a level with the hops, &c.; I apprehend they are obliged to o.

407. But even the most respectable hotels are ged to do the same, are they not?—I suppose are.

408. It is not derogatory to them, is it?—I ot think I should like it, and I do not suppose trade would like it at all; you would exclude tal by that means, in my humble opinion. ler the law, which is very severe in the pawn- king clauses, and which I do not wish to be at relaxed, the magistrates can punish them so rely, that if any bad man is doing wrong he be punished for it.

409. For instance, in the case of that bad whom you have described, next year his nse would be taken away from him?—I think ught to be, at all events. At any rate, I ld give evidence to have it withheld.

410. Would it not be an advantage if this could be turned out at the end of the year, e misconducted himself?—I hardly recognise , to tell the truth. I was surprised to find name among the pawnbrokers.

411. Still he is recognised by the Inland venue, is he not?—He is, unfortunately.

412. Colonel *Beresford.*] Have you worked the rate of interest in the schedule for sums ve and below 40 *s.*?—I have.

413. Do you know what the interest would nder the new rate?—If you adopt the new without contracts, doing away with half nths and giving a whole month at the end of days, in my own opinion they will get two antages. They first take two months at the of 10 days; and, secondly, a monthly rate 25 per cent. per annum.

414. How much would it be?—A halfpenny 2 *s.* I am quite an advocate for; a number of n would use it. Some would lend 2 *s.* 6 *d.* 1 *d.* probably; it is 1 *d.* directly you get over In fact, I am sorry to say that this new Bill rawn at a very great deal more than 25 per t. This Bill is drawn for a halfpenny under ; I am not in favour of that, but I am in ur of a halfpenny for 2 *s.* and under. The rest, taken at a halfpenny for 2 *s.* and under, ld come to over 40 per cent.; but I am in ur of the Irish scale (which I have seen) of alfpenny for 2 *s.* and up to 4 *s.* The Irish e will make 35 per cent., giving the month at end of 10 days; and instead of the fractions ch give such enormous trouble, you would e 2 *s.* 6 *d.*, 3 *s.*, and 3 *s.* 6 *d.*, all at 1 *d.*; but must get to 4 *s.* before you get the 25 per t. per annum.

415. Mr. *Plimsoll.*] Do you not think that in t case it is a fallacious view of it to call this money rest, inasmuch as each transaction occupies time and attention of the tradesmen, and upies his place of business, and puts him to expense of gas, and is not a penny a small sum a tradesman to receive on a transaction of ; since, if he sells herrings, or cheese, or ter, he gets a very much larger rate of profit? Undoubtedly; they make a much larger rate of fit.

416. On the larger transactions, 40 per cent., even 20 per cent., would be a very handsome 108.

remuneration, whereas in this smaller transaction, it would be more for the trouble than as interest, would it not?—The only way to obviate that, would be by charging a larger sum for the ticket; I do not understand their way of calculating; I will take Mr. Dicker's paper, which I have at home; I do not approve of them at all; I think them quite fallacious.

3417. Mr. *T. Hughes.*] Do you mean those balance sheets which were produced?—I mean those balance sheets, A., B., and C.; I consider that they are very fallacious; what business have they to talk about every pledge costing them five farthings, and three halfpence.

3418. *Chairman.*] It was an arithmetical calculation that the expense of the shop was so much, and that so many pledges were taken in; therefore, the facts of arithmetic would be correct, would they not?—Yes; but you can see that this is the point. They go to show you what it costs for one pledge; but they lose sight of all the profit they get on the two months, and the three months, right up to 12 months, and the pledge which they deliver for 2 *s.* 6 *d.*, and get 6 *d.* for at the end of the year, is only charged with five farthings.

3419. But that does not alter the fact that the expenses of the business divided into the number of pledges gives the amount there represented?—I cannot see it. There is a gentleman now sitting in this room who has given you evidence, and who calls out the loudest about the rate of interest, and wants free trade pure and simple, yet that very man, about two years ago, went and took a shop about one of the lowest he could take, and in less than 12 months he had taken another equally low. I should think he would be for winding up his affairs, and bidding good morning to such a trade as he talked about, rather than adding another shop to it; and I am bound to tell you, as I know him intimately, that he would take another very soon, if he had the opportunity. Therefore their deeds do not go with their words.

3420. What we understand from the evidence is that the expenses divided into the number of pledges represent the expense of conducting the business, and that the profit is made by the pledge remaining such a time as will yield more than the charge which they involve?—On a low business, with 5,000 *l.*, I verily believe they can make 25 per cent. per annum.

3421. Net?—No, gross.

3422. Then you have to deduct from that the cost of carrying on the business, have you not?—I know it. If you look at Mr. Dicker's paper, first of all, if I recollect rightly, he takes off a third of his expenses for working a sale shop. Now, I know both of those houses. He does a pawnbroking business which brings him in 1,500 *l.* a year, which occupies one shop, and then he takes a sale business, where he actually makes more than 1,000 *l.* a year profit, and for that one he takes a quarter of the expenses. But he does not take in the capital at all; nor any portion of the goodwill which he paid for the business. The whole of his capital he charges to his pawnbroking business. I think that neither in A. nor B. does he charge capital to the pawnbroking business. He takes, I think, one-fourth, and he ought to take a good deal more than a fourth.

3423. You do not seem to recollect the accounts; he charges 3.000 *l.* for the capital of the

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sale stock?—I have some idea that in B. he does not; then he charges for goodwill again.

3424. The sale stock in B. is 2,870 *l.*; I am afraid you have not studied the accounts?—I have studied them well; but perhaps you will allow me to look at them again. I would not wish to say one word against the correctness of those accounts; on the contrary, Mr. Dicker, I believe to be a highly respectable man. The profit on the sale is 1,144 *l.*, and the profit on the pledging is just upon 1,600 *l.*, that is, inclusive of the tickets. Then he goes on and makes a gross profit of 2,744 *l.*, then he goes on to take the expenses (of course those are the expenses of the whole establishment; he works them together) at 1,293 *l.*, showing 1,451 *l.* profit, which is a little over 10 per cent. per annum on the whole amount. That is a calculation which I see is based upon the whole of the capital and the whole of the businesses. He then, after that, takes the pawnbroking alone, and he takes the interest and the tickets as before, then he takes the pledge stock, and he shows a capital of 14,217 *l.* He charges the whole of this capital, excepting the sale stock, with what he calculates as the expenses upon pawnbroking; what business has he to do that? He says, first of all, 8,919 *l.*; then for lease, 800 *l.*; that lease, I should have thought, was worth quite as much to his sale stock as to his pawnbroking, but that all goes to pawnbroking. Then he puts for premium on stock 890 *l.*, and cash 573 *l.*; so that, in fact, he charges everything here to the account of the pawnbroking stock, with the exception of the actual sale stock; that can never be right. Why does he not charge half of his 800 *l.* to the account of his sale stock, which is the very least he could do, because a man could not be carrying on a sale business of 3,000 *l.* without some capital? Therefore a part of this 573 *l.*, according to my opinion, ought to go to capital (*explaining the accounts*).

3425. Supposing that you took it in proportion to the capital, the capital of the pledge stock being 9,000 *l.*, and of the sale stock 3,000 *l.*, that would give one-third of the charges, which would be 2,000 *l.*, and one-third of the 2,000 *l.* would be 666 *l.*, so that you would have to increase the sale stock by 666 *l.*, and lower the pawnbroking by the same rule, so that the amount would have to be adjusted by a sum of 666 *l.*; that would be a very small fraction indeed, and quite inappreciable, would it not?—I think the other account is open to another objection (*explaining the accounts*). He has taken too much money for pawnbroking, and too little for sale business, though I believe the account is as correct as possible, according to the books.

3426. Mr. *Plimsoll.*] Do you suppose the charge made by Mr. Dicker upon each pledge to be an excessive one, or are you prepared to deny that a very large number of small transactions must involve a considerably larger expense than a smaller number of large transactions?—They keep a different class of men. The expenses of working a business like that are not greater in proportion than mine for this reason. I remember what he said he had given to his foreman. I think he said 2 *l.* a week. I am obliged to pay more than double that to my principal man. I cannot make out his wages table at all. It appears to me to be monstrous. In fact it is a very high rate of charge for expenses no doubt throughout. In conclusion, I hope that if the Committee come to the determination of recommending free trade under 40 *s.*, they will divide the trade altogether, so that we may remain in it, because if that were not done, the trade would be very much lowered if you recommend free trade.

Mr. WILLIAM SHAW, called in; and Examined.

Mr. *W. Shaw.*

3427. *Chairman.*] Do you occupy any position in relation to the trade of pawnbroking?—I was a pawnbroker's assistant for 12 years.

3428. Do you wish to call the attention of the Committee to the clauses which were introduced into the Police Act of 1840?—I do; by the introduction of those clauses the public were left entirely unprotected.

3429. What were those clauses?—The clauses which allowed an informer, knowing that a pawnbroker had taken more interest than he ought to have done, to inform against him; and, having done so, to receive half of the fine, the other half to go to the poor of the parish; it was usual at that time when an informer had got a number of informations to go to the pawnbroker and say so, and the pawnbroker would say, I suppose you only want 1 *l.*, and would pay him. The trade, unknown to the public, got the clauses inserted in the Bill. The old Act of Geo. 3 was so altered by those two clauses that it entirely took away the power of the common informer in favour of the public. The common informer would get up this information; I do not say that he should do so exactly, but the public have no protection whatever without those informations. I know that informers, for their own profit, got up those informations, and the pawnbrokers used to compound with the informers, but the pawnbrokers got two clauses inserted, not only one to fine the informer 10 *l.* for compounding an information, but another one to give a magistrate the power to prevent his having any portion of the fine whatever. Consequently, the intention of the information was entirely done away with and ever since then the public have been entirely at the mercy of the pawnbrokers as regards low pledges.

3430. The effect of legislation was to prevent a person making a trade of information, was it not?—Yes, but at the same time it prevented the public having any protection whatever, because the public do not really know how to calculate interest.

3431. Is it correct to say that the public have no protection, when a penalty can be imposed still and a punishment inflicted for an offence?—I am sorry to say that the majority of low pledgers are so low in intellect that they do not know how to make an information.

3432. Still the same power exists, does it not?—Still the same power exists beyond a doubt.

3433. Do you also wish to call the attention of the Committee to the Act of 1860, by which pawnbrokers were allowed to charge a halfpenny upon a ticket?—Just so; that was another one-sided piece of legislation, inasmuch as the trade managed to explain to certain Members of the House that it was necessary for the great expenses that they were under at that time they

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y had already the power to charge from 5 *s.* l upwards, whereas if the title of the Bill had n to charge one halfpenny upon every ticket ler 5 *s.*, I very much question whether the olic attention would not have been drawn to

3434. Previously to that they were only al-red to charge one halfpenny, were they?—s, commencing at 5 *s.*

3435. If they thought that that rate was too to remunerate them they were compelled to use to advance money, were they not?—I ve been connected with the trade ever since, h as a master and also as an assistant, and I ver knew them to refuse a pledge.

3436. You do not believe the recital in the t, that a great practice had grown up of the r people going to other shops, because they ld not get advances at the pawnbrokers?—t at all in that respect; only after hours. The ving-shops, especially in the Dials, where I ve had reason to make inquiries, keep open till f-past 10, and I have no doubt that the goods dged there are goods which pawnbrokers uld take in, although they might be soiled ds. In the house which I was in first, we re not allowed to refuse soiled goods. I have en in a shirt full of fleas, and there was no ection to it by the master. In fact, we were pelled to do it, if it was well pinned up.

3437. You think that the business is more ofitable at a halfpenny?—Certainly, I think it is a great tax upon the poor pledgers when the te was made a halfpenny below 5 *s.* There has en a great deal of talk about flat-irons. A or ironing woman very often cannot get her ney from the woman she works for, who is a ndress, and to get a little supper she pledges r flat-iron for 4 *d.*, upon which she will have to y a halfpenny, making it 4½ *d*, and on taking it t the next morning she would have to pay one lfpenny for it.

3438. And the pawnbroker is bound to keep e flat-iron nevertheless, for a year, is he not? Just so; and it would fetch 10 *d.*

3439. Mr. *Plimsoll.*] And he has the trouble taking it in and storing it, and finding it when e comes for it, has he not?—That would take out two minutes.

3440. Do you think that the halfpenny is an cessive charge for all that trouble?—I think at the 6 *d.* a year is ample, and shows an ormous interest.

3441. But does it show anything like a proper uivalent for the trouble involved in the transtion?—No; eight-tenths of the pledges are be-w 2 *s.* in low business. Of course Mr. Attenorugh's business is different altogether. Many those small pledges are taken out twice or ree times a week.

3442. *Chairman.*] Do you think that there has en any change in the mode of conducting busiss in splitting up articles, or rather dividing ckages of articles, into several separate pledges?—Certainly. Directly the Bill was passed the wnbrokers of Liverpool especially refused to ke in baskets of tools, but they would split em up into ten sixpenny pledges, including the sket, if it was a good one, for 6 *d.*, whereas ey would never have got 10 *d.* for 5 *s.*

3443. Do you know that the practice grew up consequence?—Certainly, and I will defy the ade to deny it.

3444. Were things which were in the nature of one package split into several pledges?—Yes; I may give you a case in point, which I know myself: in a house where I used to live there were two persons who used to live at Battersea, and they used to pledge from eight to ten or twelve parcels a week. They were all children's things; most poor people have two sets of children's things: they would come during the week and pawn, perhaps, eight parcels for 3 *s.*, 4 *s.*, or 5 *s.* a parcel. It was generally 4 *s.* Directly this Bill was passed, of course they were thrown up immediately, and as they were old customers they would not do it for less than 1 *s.*, but the pawnbroker had the power of turning it into a sixpenny pledge, for the purpose of getting one halfpenny upon each ticket. It has been stated in evidence before the Committee, that the respectable portion of the trade do not charge that halfpenny upon the low tickets. I have some tickets in my pocket of some very respectable pawnbrokers, each of which has the halfpenny upon the ticket.

3445. Is it your opinion that it is more expedient to make one simple charge upon the transaction than to have a halfpenny interest and a halfpenny on the ticket?—I think the interest should be 4 *d.* in the pound, and no more. The Act states distinctly that you shall not charge more than 4 *d.* in the pound. The aliquot parts are all put up in the pawnbrokers' shops, so that anybody can see them, and there could be no difficulty whatever in having a scale in larger figures, which might be placed in certain parts of the shop, and in the boxes too, so that the pledgers might see exactly what they had to pay. In that case they would pay 20 per cent., but if the law were to give pawnbrokers the power to charge 1 *d.* for 4 *s.*, of course that is 25 per cent. instead of 20 per cent. I have made a little calculation there (*handing a Paper to the Committee*), by which you will find that if a pledge is taken out every day, it is 75 per cent. per day; but if it is taken out once a week, as the trade admit that four-fifths of the pledges are, it will be 75 per cent. per week, including the ticket money.

3446. That would seem to be an objection applicable to every scale which proceeds by steps, and therefore if you take the lowest figures in the scale, it will be a very high rate?—Just so.

3447. Do you see any mode of remedying that? Only by sticking to the old interest.

3448. Supposing everything to be calculated at a rate per cent. of absolute equality, what would you do with all the odd fractions?—There is no difficulty about fractions, because the fractions are always taken in favour of the pawnbrokers.

3449. If we made the law, that the fractions should always be taken in favour of the pawnbrokers, and you considered that one-halfpenny was the mimimum rate, you would not object to that?—No.

3450. You do not think that farthings should necessarily be introduced?—Yes, I do; because on a number of small pledges to a poor person on a Saturday night, a farthing on each pledge comes to a great sum. I am sure that I cannot be contradicted when I say that directly that halfpenny ticket Bill was passed there were plenty of pawnbrokers in the trade who congratulated themselves that they should make 200 *l.*, 300 *l.*, or 400 *l.* a year by it, and they have done so; and a lot of them have told their young men to take more than they were entitled to.

3451. You would give the pawnbroker the benefit

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benefit of the fractions up to a farthing?—Yes.

3452. And when it came to more than the farthing you would make him pay and receive in farthings?—Yes; and I would not do away with the half months. That is merely an attempt to please the Committee; that is all nonsense. It is very fair upon both sides.

3453. Then do you think that any facilities should be given for making special contracts for particular articles?—Certainly not.

3454. What would you do for those articles?—The effect of that would be, if you were to grant it, just this; that a person in difficulties might bring in a loo-table to a pawnbroker's shop, and supposing that this Act had passed with this special contract, the trade would immediately meet, and they would arrange that everybody should charge the same interest, so that the person in difficulties would take this loo-table, supposing that he could get 50 *s.* upon it (and there are plenty of loo tables upon which you could get 6 *l.* perhaps), and pay a man 1 *s.* to take it to the pawnbroker's; when they got there the pawnbroker would only make a certain special contract. When that was the case the man would take it to another, and would find it just the same; and so he might take it all over London. Again, if you take a feather-bed to a pawnbroker, beds, bolsters, and pillows always fetch their price. In fact, if I was a person who had such a thing to pledge, I would rather sell it, and it would fetch a better price.

3455. Would you be able to buy it back again at the price at which you sold your bedstead?—One could scarcely think that, because the purchaser must have some profit upon it.

3456. Could you buy another at the same price?—Not at the same price, because the persons attending sales are nine-tenths of them dealers.

3457. But I presume that a great many people buy articles at sales?—Yes, I have bought hundreds.

3458. Mr. *Orr Ewing.*] Do you think that if for the article put up for sale there was a purchaser from the general public, the seller would get a fair price for it, and that the seller might get a similar article at the same price?—Precisely so.

3459. *Chairman.*] Do you think that in London you can buy and sell at the same price?—As a rule.

3460. Then, in point of fact, all the tradesmen in London live for nothing, I suppose?—Hardly so; I am talking as a private buyer.

3461. Do you think that it is really and seriously consistent with the ordinary proceedings of life, that every person who wants to dispose of his commodities finds a private individual equally ready to take them to his hand in the same way as a pawnbroker is ready to his hand to receive them as pledges?—Certainly not; but I am talking about a public auction.

3462. But the comparison is between the person being ready to receive the goods when a man wants to sell them, and the pawnbroker, who is always ready to receive the goods when he wants to pledge them; do you think the person ready to sell goods would find a person equally anxious to buy them when he wanted the money?—I think he would.

3463. Do you think a dealer in furniture would buy the goods at the same price as he would sell the goods at, being a person always to be ready to sell?—I do.

3464. In fact, then, you think that furniture dealers make no profit at all in business?—Yes they make a very handsome profit.

3465. How can they make a profit if they are always ready to buy at the same price at which they are to sell; the position of a person is, that he wants money; therefore, he must find a tradesman who is ready to buy his goods if he cannot pledge them; and when he wants to redeem his goods, he is in the position of a person who wants to buy goods; will the buying and the selling price be the same?—I hardly understand you in that respect; what I mean to say is this: if you want to send a bed to the sale-room, or any other place of public auction, it will fetch a fair price, and a good price, more then the pawnbroker will lend.

3466. What we want is to institute a comparison between two things which are similar, and a comparison between two things which are not similar is of no value: if a person who has a commodity wants money, he must either sell it or deposit it; to do that, you must either assume that there is some tradesman ready to buy the goods, or that there is a tradesman ready to take them in on deposit; when he wants to redeem the goods he must either buy the goods, or he must go to the pawnbroker and redeem them; must that not be so?—Certainly; or to a public sale.

3467. Therefore, must he not pay the difference between the price which is charged for selling goods and the price which is charged for buying goods?—Of course he must; the dealer must have a profit.

3468. Have you any idea of what that profit is?—The profit upon all furniture pledged is, I am convinced, very high.

3469. Can you tell us what it would be if a man took a bedstead to a dealer?—Bedsteads will not fetch anything. You may buy four-post bedsteads at 4 *s.* 6 *d.* a piece. Of course, if it was a handsome French Arabian bedstead, with iron and brass about it, it would be worth more.

3470. For an ordinary workman's bedstead would he have to give money when he bought it?—Of course he would; but no pawnbroker would take in an ordinary workman's bedstead.

3471. What would a workman give for a ordinary bedstead, second hand?—He might give 4 *s.* 6 *d.* for it.

3472. What would he get for it if he went to sell it at a sale of second-hand furniture?—Perhaps 3 *s.* or 3 *s.* 6 *d.*

3473. Then he must necessarily sacrifice out of his 4 *s.* 6 *d.*, 1 *s.* 6 *d.* absolutely in this transaction must he not, if the law prevents his borrowing money upon the bedstead?—Yes.

3474. Do you think that that is a fair representation of common furniture, such as chairs, tables, and other things?—No, I do not; because chairs and tables, and all that kind of furniture are very different things from bedsteads.

3475. What would a man be able to buy half-a-dozen second-hand chairs for at any shop?—He can get half-a-dozen good new ones for a guinea.

3476. What could he sell them for at the broker's?—Fifteen shillings.

3477. Then there would be to him an absolute loss of 5 *s.*, would there not?—But the pawnbroker would not take in the goods at all.

3478. If the pawnbroker would not take them, ould the man, on a transaction of 1 *l.*, be com-lled absolutely to sacrifice 5 *s.*?—Yes.

3479. He would be obliged to sacrifice 4 *d.*, ould he not, under the present law?—Four-nce, and 2 *d.* for the ticket.

3480. Do you think it would be a benefit or injury to the working man if, instead of sacri-ing 5 *s.*, he had the option of sacrificing some-ng between 4 *d.* and 5 *s.*?—In the way you t it, it would be an injury if he had not the tion.

3481. Is not that a reason for giving the rking man a law which would prevent his ng so injured?—You will not find a pawn-oker who will take in half-a-dozen chairs of it kind.

3482. That is because the law is such as to vent him, is it not?—The special contract, I lieve, is to be for not less than 2 *l.*

3483. But supposing that the workman, know-g the value of his chairs by what he had paid them, and knowing that 4 *d.* was the rate, re allowed to pay the pawnbroker 6 *d.* more keeping them, would it not be a benefit to him allow him to get money for 10 *d.*, instead of mpelling him to sacrifice 5 *s.* as the law now es?—Certainly, if the pawnbroker could take the goods.

3484. Is there not some amount short of 5 *s.* ich would induce the pawnbroker to take in e six chairs?—I do not think there is.

3485. Do you think that there is no pawn-oker who would take in any commodity for a eek, or a fortnight, or a month, if he were paid *l.* or 1 *s.*, or 2 *s.*?—No; I do not believe the de would do it.

3486. Yo think nothing will induce them to do —I do not believe it would.

3487. Nor any commodity which is bulky?—er the 2 *l.* I believe he would.

3488. Mr. *Orr Ewing*] I suppose a pawn-oker is guided as to the amount of the advance ich he makes upon anything which is pledged, what he thinks it will bring by auction?—ecisely so.

3489. Therefore the pawnbroker would not e him a higher advance upon any article than thinks it will sell for by auction?—Certainly.

3490. Is it your opinion that that class of peo-e would do better to sell any article which they re compelled to part with in the market, in the pe that they would ever get the money to re-rchase it upon better terms, than by pledging with the pawnbrokers?—It is; because no ubt if you are once in the hands of a pawn-oker, you are always in the hands of a pawn-oker; people who once begin to put their ngs in pledge on the Monday morning, and e them out on the Saturday, can never be rich, less they are wonderfully provident people.

3491. I suppose that you found when you were the business, that the class of people you deal th were very poor and improvident?—Cer-nly not improvident; but on Easter Monday d Whitsun Saturday you will find some im-ovident persons who must have some liquor.

3492. Are they poor people?—Yes, they are or people, who have nothing beyond their ekly wages, and they want something to drink, d they will pledge the last thing they have to t drink.

3493. How was it that they became so poor, they were not improvident?—Because when they first got married they went to the pawn-broker.

3494. Then do you look upon pawnbroking as being very injurious to the well-being of the community?—Oh, no; plenty of people would starve if it was not for the pawnbroker.

3495. Do you think that the system which keeps people constantly in that poor state is a good system?—No, I do not; but they cannot get out of it unless the law compels them to put by 1 *s.* or 2 *s.* a week.

3496. Mr. Alderman *Carter.*] You said that they were not improvident; if they are not improvident it is possible that they may get out of it, is it not?—When they got married they had not a cage to put the bird in, and they went to the pawnbroker for every article they wanted.

3497. Mr. *Orr Ewing.*] Supposing that there had been no pawnbroker at all, and they could not get money to begin housekeeping, would it not be better to have waited a little until they had earned a little money?—If you could get them to do so, certainly it would be better.

3498. From your experience is it the case, that if a man begins with a pawnbroker he never gets clear of him?—He never gets clear of him. The man never goes to the pawnbroker, it is the woman who goes, the man is ashamed to go.

3499. Do you think the business is demoralising?—I think not.

3500. I fancy, after all your admissions, you will have a little difficulty in coming to that conclusion?—Of course there are times when men will have things pledged by their wives for drink, and women will pledge for drink, and the women will take up a tally bill and take it to the pawnbroker's.

3501. Would it not be well that there should be a law which would regulate those things?—Yes, if you can suggest anything to do so.

3502. As to the amount, would it not, in your opinion, be a good law to prevent a longer sum than 2 *s.* 6 *d.* being given upon any article?—No, certainly not; if you did so, the greater portion of the poor people in London would starve; they would go to bed without their supper.

3503. Do you think that those people can afford to pay this heavy interest for a temporary loan?—They are compelled to do so.

3504. Would it not be better if they could be more frugal?—Yes, I admit that.

3505. You only support pawnbroking on account of the present state of society?—Just so.

3506. But you would wish to see society rather raised?—By all means.

3507. But you are not prepared to indicate what you would do to attain that desirable state of things?—I have thought of that, but I cannot see my way.

3508. Mr. *Plimsoll.*] When were you in business?—About 25 years ago; I was an assistant.

3509. Mr. Alderman *Carter.*] Were you ever in business on your own account?—Certainly not.

3510. Mr. *Plimsoll.*] In that case, why are you here as a witness?—I wished to say a few words on behalf of the poor pledgers; I had heard a lot of *ex parte* evidence, and I should say that some members of the trade allege that I look with a jaundiced eye towards the trade, but it is not so. I have no animosity against the trade; I think it is a very good trade, and a very profitable one, too.

3511. You spoke of one instance in which a half-penny

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halfpenny was charged for 4 *d.*, and you spoke of it as an example of the excessive charges to which the poor are liable; of course, if a person pawns a thing one day and takes it out on another, it comes to an annual sum of 4,562½ per cent.; but do you not think that it would be a fallacious thing to speak of the halfpenny as being 4,562½ per cent.?—I do not, indeed, because I am sure in the metropolis there must be from 700 to 1,000 pledges put in in the morning and taken out at night. In fact, I have myself delivered a pledge over and over again, where a person pawned a blanket in the morning and fetched it out at night. If you throw off the odd days altogether that person paid on that blanket 12 *s.* 6 *d.* per annum, and now she pays 25 *s.* if she does the same thing.

3512. You do not seem in that to take any account of the trouble of those daily transactions, for you insist upon regarding the sum paid by the customer as interest alone?—I have had the pleasure (if pleasure it was) of throwing down 2,000 pledges on a Saturday night, and my master has delivered the same; there has been a great deal said about expenses in the trade, but I deny it altogether, there was one master and one servant, he paid him 5 *l.* per year, and he eventually paid him 7 *l.* 10 *s.*, and I have over and over again thrown down 2,000 pledges on a Saturday night, the majority of them being small pledges bearing an interest of 40 and 50 per cent. and more per week.

3513. Mr. Alderman *Carter.*] You were kept all the week for the sake of the benefit which you could do your master on Saturday night, so that your wages should not be reckoned as the wages of half a day but the wages of a week, should they not?—Yes.

3514. If you have never been in business for yourself, how can you give such confident opinions in regard to its paying or not paying?—From continual inquiries into the business and taking a great interest in it.

3515. Have you ever been a householder?—I am a householder now.

3516. Do you know the value of a bedstead?—Rather.

3517. You say that the ordinary value of a bedstead for a working man is about 3 *s.* 6 *d.*, is that so?—For 4 *s.* 6 *d.* he can buy a wooden French bedstead.

3518. I am not asking what a bedstead can be bought for; I am asking whether the average price which a working man gives for a bedstead is 3 *s.* 6 *d.*?—From that to 4 *s.* 6 *d.* for a wooden one.

3519. I am not asking you what you can buy a wooden bedstead for; I understand you to say that the average price paid by the working classes for a bedstead was 3 *s.* 6 *d.*, is that so?—From that to 4 *s.* 6 *d.* I said that he could get 3 *s.* 6 *d.* for it.

3520. The question is not what he can get a wooden bedstead for, that is nearly worn out, but what is the average price paid by a working man for a bedstead?—I should say 4 *s.* 6 *d.*

3521. What is the average price a working man pays for a chair?—From 1 *s.* 9 *d.* to 3 *s.* 6 *d.*

3522. Then he pays as much for a chair, according to your experience, as for a bedstead?—Just so, because the article is more saleable, and not only that but the chair is a new article.

3523. Do you give that as your experience as a householder?—Yes.

3524. Are you a householder now?—I am, and I have been for nearly 25 years.

3525. I understood you to say that the people were not all improvident who use the pawnbrokers?—Certainly not.

3526. Then I take it that the majority of them, or at least a large number of them, may in case of any difficulty, make use of the pawnbrokers, just as a person in a higher position in life may make use of his banker?—Certainly.

3527. And that there need be no more reflection on the one than on the other?—Unfortunately it is different. The person who visits the pawnbroker has a great degree of shame, and does not want to be seen.

3528. I ask you, as a man who has considered this question thoroughly, is not a man as likely to be dependent who once gets into the hands of his banker as a borrower, as a man who gets into the hands of a pawnbroker, both of them being improvident men?—That all depends on how the speculations in which the gentleman interested turn out. The gentleman who goes to his banker and borrows 10,000 *l.* is very different to a man who goes and lays out 10 *d.* What can a man lay out 10 *d.* in to get thousands by? But a man who borrows 10,000 *l.* can buy railway shares, perhaps he may make a deal of money with it.

3529. Mr. *Whitwell.*] If I understand you rightly, you say that a man who borrows money of his banker is in a different position from a man who borrows money on his goods?—I do.

3530. Does the man who borrows money from his banker wish to get money to trade, in addition to what he has?—Certainly.

3531. Does the man who goes to the pawnbroker take something which he had bought, and which he thought he required, and sacrifice very often what he is in immediate want of?—I does.

3532. He takes what he can ill spare, with the view of getting money to buy food or drink, does he not?—Yes.

3533. In that respect, do you not think that a man who goes to a banker to get money to trade with is different from one who goes to the pawnshop and puts away what he can ill spare?—Just so.

3534. In what part of London were you when you knew the pawnbroking trade?—Chelsea, Lambeth, Islington, and Clerkenwell.

3535. How many years have you been in the pawnbroking trade?—About 12 years, and have been intimately connected with it ever since.

3536. Is the law different now from what it was when you were in business?—Yes, wonderfully so.

3537. Is the law improved?—I think not.

3538. In what way is it not improved?—Although I do not like common informers, as I said before, I think there ought to be some supervision. I think it was stated by some witness, that there is no supervision by the police, neither can there be any supervision.

3539. When you were in business was there more supervision?—Certainly, the informers were at work then; but there was no supervision by the police beyond the lists of stolen articles.

3540. When you were in business did the police inspect the shops more than they do now?—Not at all.

3541. Were pawnbrokers more brought before

ore the magistrate to give evidence with pect to stolen goods than they are now?—; it does not appear in the newspapers, but pawnbrokers who are brought up for stolen ds are generally brought up on account of en cloths.

542. You know the evils which follow a man o begins to pawn his goods?—I do well.

543. And you do not know of any means by ich that can be avoided?—No.

544. Would you limit the amount for which an should pawn to any particular sum?—Not ll.

545. You would let a man pawn a shilling cle for sixpence if he chose?—Certainly, by means; I have known a pledge as low as a penny.

546. Then would you recommend that there uld be a fixed rate which the pawnbroker uld not exceed?—Yes; I think the present is ample, and a splendid consideration for the ey lent.

547. Would it not be a great advantage to pawner to have the rate clearly defined and le?—That might be done by an extra list of rmediate sums being placed in the boxes of pawnbrokers. I have here a list prepared he trade themselves, giving the benefit of the tions to the pawnbroker, and if they were pelled to put that up in the legal figures e would be no difficulty. It has been said the poor people have a difficulty in calculat- these amounts; they calculate it for them.

548. Do you believe that the persons who n are a defined class of people?—Yes; the omers are always known as well as possible.

549. Is it not better to have a rate of a penny, easing by one halfpenny, than increasing by farthings, because what the pawnbroker lost on one occasion he would gain on another?—I do not think so; because on the rate laid down in the Bill he must continually lose.

3550. He would not lose on the higher sum of any particular grade, would he?—The highest pledgers can take care of themselves; it is the poor pledgers who need protection.

3551. Mr. Alderman *Carter.*] I inferred from your answers that you thought that the pawnbroking business was a very good one?—I do; for instance, the first master with whom I was, although some gentlemen have said that it was a very losing trade, has now three houses instead of one.

3552. Do you not think that you are very much to blame for having left it?—Certainly not.

3553. You have had some conversation with the honorable Member for Kendal, upon the question of banking and pawnbroking; do you not think that a person who borrows from a banker without security is more dependent than the man who borrows from his pawnbroker with security?—No, certainly not; you might just as well compare him with a man who takes 10,000*l.* worth of bills on to 'Change, and gets them done for 4,000*l.*

3554. Do you think that he is less dependent in borrowing without security than he would be with security?—He goes merely with a piece of paper, and a poor man goes with all he has got.

3555. The poor man may not go with all he has got?—Well, with a portion of what he is worth.

3556. And he chooses rather to part with that portion than to be dependent?—Because he cannot help it.

3557. Mr. *Orr Ewing.*] Do you know many bankers who lend without security?—Only upon signatures.

Monday, 11th July 1870.

MEMBERS PRESENT:

Mr. Richard Arkwright.	Mr. Thomas Hughes.
Mr. Ayrton.	Mr. Charles Henry Mills.
Colonel Beresford.	Mr. Plimsoll.
Mr. Alderman Carter.	Mr. Orr Ewing.
Mr. Crum-Ewing.	Mr. Ridley.
Mr. Hambro.	Mr. Whitwell.

THE RIGHT HONOURABLE ACTON SMEE AYRTON, IN THE CHAIR.

Sir THOMAS HENRY, called in; and Examined.

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3558. *Chairman.*] YOU are the Chief Magistrate of the Metropolitan Police Courts, are you?—I am.

3559. Are you aware that an application has been made to Parliament to alter the existing law relating to pawnbrokers?—Yes, and I see that the Bill has a threefold object: first, to enable the pawnbrokers to alter their rates of interest; secondly, to enable them to make special contracts; and thirdly, to shorten the time for forfeiting pledges from twelve months to six months. Those appear to be the three objects of the Bill.

3560. Have you had any opportunities of forming an opinion upon the operation of the present rates charged by pawnbrokers?—I have had 30 years' experience of the working of the Act.

3561. But have you had brought before you many questions relating to the rates of charge during that period?—Occasionally there are complaints of more interest being charged than the Act allows.

3562. Have those complaints been numerous?—Not of late years. The rates of interest are very well understood by the poor, and there are very few overcharges, I think, of late.

3563. What was the nature of the overcharges in respect of which complaints were formerly made?—They arose generally from some carelessness on the part of the assistants in calculating.

3564. Were the amounts large?—They were not large.

3565. Do you mean that it was a question of the calculation of small fractions, or something of that kind?—Yes. Some years ago there were common informers, who used to pledge articles with the pawnbrokers on purpose to lay traps for them, and if a farthing too much was charged they laid an information, and there were many such cases; but then an Act was passed to enable us to deprive them of any part of the penalty, and their occupation ceased as soon as they found that we would not allow them any share in the penalty.

3566. Is it your opinion that those were not cases of accidental extortion or overcharge, but that they were contrivances of the informers?—They were very much contrivances on the part of the informers, I think.

3567. Do you know whether, under the existing Act, there are some difficulties in dealing with fractional parts of a farthing?—I believe that occasionally there are; but I do not think that that prevails to any great extent. I think it is very well understood, and that all the assistants are very well able to calculate it, and that the poor also know pretty well what they ought to pay.

3568. Have you any means of judging what is the cost to the pawnbroker of taking in the smaller pledges?—The pawnbrokers do not like the small pledges, of course, so much as large pledges, but they are obliged to take in all. It very much depends upon the neighbourhood in which their shop is. Of course, if a pawnbroker opens a shop in a poor neighbourhood, he must expect to have chiefly poor pledges; but then he gains not only by the interest, but also by the forfeited pledges, because all pledges under 10*s.* are forfeited at the end of 12 months; and it constantly happens that the poor do not take them out, and then they are sold, and the pawnbroker derives all the profit from that.

3569. Do you know whether, as a rule, pawnbrokers make a profit on selling forfeited pledges?—Yes, I have no doubt but that they do; but better evidence on that point could be given by Messrs. Debenham & Storr.

3570. Have you any means of judging whether they do or do not make a profit on those transactions?—I know that the sales are very large. Messrs. Debenham & Storr, who sell for them, could give the Committee more information on the subject.

3571. What is your view with reference to the time of redeeming the pledges?—I think that it would be very objectionable to shorten the time.

3572. Have you ever had the subject of time brought before you in the exercise of your duties?—Constantly.

3573. What is the nature of the complaints made before you?—The poor omit to redeem a pledge for a few days after the 12 months, sometimes forgetting in fact the exact day, and when the pawnbroker refuses to give up the pledge they come to complain, and we are obliged to point out to them that the law is so, and that the pledge

dges become forfeited, and we cannot assist m.

3574. Have you many complaints of that t?—A great many.

3575. How many such complaints do you nk there are in a week, or in a month?—Lat-ly there have not been so many I think as re used to be, but I should say there are half dozen in a week.

3576. What is your opinion upon the subject special contract?—I am decidedly opposed to it.

3577. On what grounds?—I think that it uld be dangerous to allow pawnbrokers to arge any amount of interest they pleased, and t to keep any books, because I see by this ll they propose to repeal that clause of the t which requires them to keep books; books a most wholesome check.

3578. Is it proposed to repeal the whole of the t requiring them to keep books?—In all cases ere they are to make special contracts. Pawn-oking is a trade which I think ought not to be e. It is not free in any other country, and in t it is not allowed in France, but it is altoge-r prohibited. There they have the monts de té, where the poor can have loans, but then len goods are never offered there.

3579. Will you explain what is your objection a person making a contract to borrow money on his goods?—That the pawnbroker would e advantage of the necessities of the poor ople and charge an exorbitant rate of interest.

3580. How could he take advantage of their cessities if they were not compelled to go to n?—Of course if one pawnbroker did it others uld do the same, and then the poor would be their mercy.

3581. Supposing that a man is now virtually ohibited from obtaining money on a large class goods by reason of no person being allowed to d money upon them at a remunerative rate, w would he be more at the mercy of the pawn-oker by his being permitted to do that than he now?—Now he knows that up to 10*l.* he can and borrow, and that the interest is settled by t of Parliament.

3582. But he also knows that nobody can ord, at the rate prescribed by law, to lend him ney upon certain sorts of goods, does he not? That I do not admit. I think they can afford

3583. Do you think that a man can afford to ke in a bulky article and keep it for a year for penny?—I think that taking the whole trade gether we generally find that the pawnbrokers ve a very good trade.

3584. Do you know anything of their profits? It is a matter of common repute that some of em make large fortunes.

3585. Have you at all considered or inquired to the probable cost or expense of lending ney upon a large class of goods which are called agile and bulky?—There is a little more ware-use room required probably for large articles, t they must take large and small just as they me.

3586. Are you aware, as a matter of fact, that London people cannot borrow upon bulky ods, because nobody can afford to lend upon em?—I am not aware of that; I have never ard a complaint of the kind.

3587. You are not aware that it is a fact?—I n not.

3588. Mr. *Hambro.*] With regard to the working of the Act of the 22nd & 23rd Vict., which did away with the common informers, do you think that it was a considerable advantage to the pawnbrokers when the system of information was done away with?—I think that they were very much harrassed by the informations which used to be laid by certain common informers; and I think it was a very right thing to alter that law.

3589. Do you think that those common informers detected a considerable amount of irregularity in the business of pawnbrokers which now goes unnoticed?—I think not; I think that the poor are able to detect for themselves very well; they are very intelligent with regard to the amount which they have to pay.

3590. Therefore do you think that the passing of this Act did not destroy a protection to the public?—I think not; they have quite protection enough now. If they have any doubt the police court is always open, and they can come and ask the magistrate whether the charge is too much or not, and we always give them information.

3591. Would you see any objection if freedom of contract was allowed to limit it to any sum over 40 *s.*, for instance?—I am altogether opposed to allowing pawnbrokers to charge whatever they think fit; I think there ought to be a check upon it, and, as I said before, I go further. I think that the French system works best for the suppression of crime.

3592. From your great experience, are you of opinion that the present rate of interest which pawnbrokers are allowed to charge is amply remunerative, and as much as it is fair to ask poor people to pay?—Yes, I think so.

3593. Mr. *Crum-Ewing.*] Have you many instances of pawnbrokers having stolen goods in their possession?—Every day; there is scarcely a case of larceny in which there is not a pawnbroker's assistant as a witness to produce the stolen property in court, and in many cases there are as many as half a dozen pawnbroker's assistants, or I might say a dozen, for I have known as many as a dozen in one case. A thief is taken up, and upon him are found sometimes 20 duplicates; the police are ordered to inquire into all those cases, and they very often produce half a dozen or a dozen owners of the property to which those tickets relate. Therefore all those witnesses are bound over and go to the Sessions; and any judge at the Sessions, such as the Assistant Judge at the Middlesex Sessions, could tell you whether, in all cases that he tried, there is not almost always a pawnbroker's assistant as a witness to produce the stolen property. Of course they receive it unknowingly; but still they receive it. There is the opportunity of converting stolen property into money.

3594. Do you find that that exists amongst the lower class of pawnbrokers?—More so among the lower than among the higher class, but still the very highest in the town sometimes receive very valuable articles which have been stolen.

3595. Is that frequent amongst the higher class of pawnbrokers?—Not so frequent as in the smaller class of pawnbrokers, and in the lower parts of the town, but occasionally it is so.

3596. Do you find that the pawnbrokers give facilities readily?—The pawnbroking business is carried on a great deal by young assistants in the shops. The principals are very frequently absent, and the business being carried on by young as-

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sistants, they take in pledges without exercising sufficient care, without asking the question which they ought to ask, and without taking with sufficient correctness the address of the person who pledges, and in that way facilities are given.

3597. My question referred more to the facilities given to the discovery of stolen goods; what is your view as to that?—I think there are not sufficient facilities given to the police, or at least, the police frequently inform me that they have difficulty in obtaining an inspection of the goods of which they are in search. Whenever a magistrate sends to a pawnbroker, I must say that the pawnbroker always gives every facility he can, but when officers of the police go, they complain that they do not get facilities.

3598. Could you make any suggestion by which an improvement could be made in that way, so that they would be obliged to give facilities for the discovery of stolen goods?—I think that when a police officer goes to a pawnbroker's shop, any article about which he inquires ought to be shown to him; if he is in uniform that ought to be sufficient, if he is not in uniform he can produce his certificate that he is a police officer, and it is to be assumed that he is on duty; if he misconducts himself by making improper inquiries he can be dismissed.

3599. Mr. *T. Hughes.*] You would limit that as to specific articles, I presume?—Yes, of course, and generally when he had the ticket.

3600. Mr. *Hambro.*] You stated that pawnbrokers were continually mixed up in cases which came before you, with regard to stolen goods, but we never see any reports of those cases in the papers; is it the fact that those cases are not reported?—The great majority of the cases are not reported. In every police court there are 50 or 60 cases in a day, and the reporters, perhaps, select the one case which would be most likely to interest the public; but they do not report the larceny cases, and they never think of reporting the evidence of the pawnbrokers' assistants unless there is something very remarkable in it. They have not space for that.

3601. Then, the persons who gain their information only from the public papers can know very little about it?—Very little, indeed.

3602. Mr. *Crum-Ewing.*] Have you any means of knowing the system which prevails in France?—I know that there is in every arrondissement in Paris what is called a mont de piété, which is an establishment conducted by Government officers. They charge nine per cent., and any person can go there and obtain loans upon property; but that is an office which is always held in places where police officers are also stationed, and the consequence is that thieves in Paris do not venture to take stolen property to the mont de piété, and, therefore, the larcenies in Paris are very much fewer than they are here.

3603. Are there no private pawnbrokers' shops?—No, they are not allowed; the trade is prohibited.

3604. Do you know what is the practice with regard to pawnbroking in Belgium?—I believe it is the same as in France.

3605. Do you know what it is in Italy?—In Italy it is the same, also, I believe.

3606. Do you know anything about pawnbroking in the United States?—I do not know what the practice or the law is in the United States; I have never been there.

3607. Do you consider it to be an advantage to the poor to be able to raise small sums upon bedclothes?—I do, I think they could hardly get on without that facility.

3608. Would you limit the amount lent?—I think the amount named in the Pawnbrokers' Act now is too low, and that the Pawnbrokers' Act ought to extend to 20 *l.* instead of 10 *l.*; above 10 *l.* the provisions of the Pawnbrokers' Act do not apply, but I think that is rather too low a sum.

3609. Do you consider that it would be any advantage to the community at large if pawnbrokers were obliged to take out annual licenses the same as the publicans do?—I do not think that is required: they take out licenses now, but I think it is hardly necessary to go the length of giving a discretionary power to magistrates.

3610. Mr. *T. Hughes.*] Your point of view, I apprehend, is the suppresion of crime?—No doubt.

3611. Looking at it from that point of view, would you prefer some system analogous to the French system rather than ours?—I should, and therefore I cannot afford to give up any of the checks which we have now upon the pawnbrokers' trade.

3612. Have you ever heard complaints as to the present rates from the pawnbrokers or from the poor?—I believe that the poor think the rates are quite high enough.

3613. Do you agree with them?—I do, because I know that the profits do not depend merely upon the rates of interest, but, as I said before, upon the amount of profits arising from the forfeited pledges.

3614. We have had considerable evidence going to show that the sales are on the whole barely remunerative; that is not your opinion?—I have not had the opportunity of seeing the evidence which has been given, and therefore, of course, I cannot express any opinion upon it; I do not know whether the Committee have examined Messrs. Debenham & Storr.

3615. One of the partners was examined, and his evidence was, I think, that the sales were barely remunerative, or that they did just turn the corner, but that was all. I suppose that your knowledge upon the subject is simply confined to common report?—It is very much hearsay.

3616. With respect to special contracts, I understand you to say that you think that the Act ought to be extended up to 20 *l.*?—I think that would be an advantage, but subject to all the provisions of the present Act.

3617. I presume that that would make it considerably more difficult for the pawnbrokers?—The pawnbrokers would probably object to that.

3618. The object of the pawnbrokers, so far as it has appeared by the evidence before us, is to extend free contract; and if they cannot get free trade altogether to take it as low as 40 *s.*; do you agree with that?—I am altogether opposed to that; I think it would be very mischievous indeed.

3619. Your opinion, as I understand, is that the trade is one having special temptations, and therefore that it ought to be under statutory regulations?—Precisely. I could not express it better than that.

3620. Is it your view, therefore, that free trade would, in the case of such a business, probably work

rk unfairly and injuriously to the public?—ry injuriously to the public interest.

3621. Do you think that the length of time redeeming the pledges ought certainly not be shortened to six months?—Certainly not. ere are great complaints already that the poor not able to redeem their goods at the expi- ion of the 12 months. That is a subject of quent complaints. The poor have great diffi- ty in raising the amount of money which they e borrowed, and I should be very sorry indeed interfere with that. I am certain that the mber of forfeited pledges would be greatly reased, and that very great hardship would ue if the times were shortened, as proposed.

3622. The pawnbrokers say that the fashions nge so rapidly, and so on, that at the end of 12 months the pledges are much less valuable them; are you aware of that?—Very likely y are a little less profitable to them; but, on other hand, the poor are very glad to get ir own articles back if they can; they do not h to have them forfeited.

3623. Do you think that with respect to any ther facilities to the police in making the rch, it would be quite sufficient if it were the e that an officer should have the right to see article specifically named by him?—Yes, I nk that would be sufficient: what is required that the police officer should have the oppor- nity to inspect articles alleged to have been len, with a view to identify them.

3624. In fact, the present pawnbroking trade rds fair facilities?—I think so. I venture to that I think it is an unwise move on the part the pawnbroking trade to have started the l. In their interest I should have thought t it would have been better to have remained iet under the old law.

3625. Mr. *Orr Ewing.*] You think it unwise the part of the pawnbrokers, but it may be se on the part of the public?—I think it uld be injurious to the public if this Bill were ssed.

3626. *Chairman.*] You used the words "any lice officer" in one of your recent answers; do u wish the Committee to understand that any stable is to be at liberty to go to a pawn- ker and to make his demands?—When he is charge of a case.

3627. Do you mean by that, that when he is tructed in a case he is to go with the autho- y of a superior officer?—Yes. When cases remanded they are generally remanded for purpose of enabling the police to inquire out the duplicates found on the person, and the lice have orders to go and make the inquiries.

3628. Then he would go by the authority of ne responsible person?—Yes, of his inspector.

3629. Mr. *Ridley.*] What is your practice with gard to affidavits when duplicates have been t?—We have very numerous applications, many ndreds, in the course of every day, taking all police courts together; the poor, unfortunately, e their duplicates in a most careless manner, d they are obliged to obtain forms of declara- n, which they bring to the police courts to have ned by the magistrates. You would scarcely lieve the number which we have to sign every y; there are 40 or 50 at every court.

3630. And I suppose they are signed as a atter of course?—They are always asked the estion whether they are the owners of the operty, whether they lost the ticket, and whether that is their handwriting, if they can sign, or whether it is their mark, if they cannot sign. All those questions are distinctly asked, and, upon their answering the questions satisfactorily, the declaration is signed.

3631. Do many instances occur of false affidavits being made?—Very few, in London.

3632. Do you think that there is any practical inconvenience or injustice in the working of the present system?—I think not. Sometimes it has been said that there is a little collusion; that parties lose a ticket, and then come and make a declaration, and that ticket is afterwards found in the possession of another person, who goes and claims the goods; but I do not think that those cases are frequent; I think it is generally a *bonâ fide* loss. A woman pledges her shawl; she takes the duplicate, and goes into a public-house, and drops the ticket, perhaps, and then she has to get a form of declaration. They have no place in their lodgings in which to keep tickets, or things of that kind, and so they are lost in various ways; but there the pawnbrokers get some profit, because they get a halfpenny upon the form.

3633. Mr. *R. Arkwright.*] You said that you had many complaints from poor people that their pledges were forfeited; do you not think that if the time were shortened they would be more likely to remember when the time came to an end?—I think not. Their difficulty is that they have not been able to raise the money. They require a long time to raise a sum which is at all considerable. If a woman pledges something to enable her to buy a mangle, when the year is nearly expired she, perhaps, has not quite enough to redeem that article. If you shorten the time that difficulty would be very much increased.

3634. Mr. *Ridley.*] Do you think that they go on for some time saving the money?—They put by a penny a week, or something like that, and that is the way they raise it.

3635. For the purpose of redeeming the pledge?—Yes.

3636. Mr. *R. Arkwright.*] Then it is not so much the forgetfulness of the sum as the difficulty of raising the money?—Just so. Sometimes it is ignorance of the law. They do not all draw the distinction as to a pledge being above 10 *s.*, when the pawnbroker is obliged to account for the surplus, if there is a sale; and that works particularly hardly upon the poorer classes.

3637. Then the value of a mangle would be above 10 *s.*, would it not?—It would, probably, be so; but I did not mean that that was the only instance.

3638. Have they any idea of the three months' grace?—They have, and they constantly resort to that, and that fortifies me in saying that the twelve months' is not too much. They call it "backing the ticket."

3639. Mr. *Orr Ewing.*] You stated, did you not, that the poor people are very well acquainted with the interest which they have to pay upon pledges?—Yes, I think they are.

3640. Do you judge from the parties who come before you disputing the interest which they have been charged?—Yes.

3641. May you not presume that the people who dispute the interest which has been charged are the more intelligent portion of the people who pledge?—We have frequent opportunities of hearing what the poor say about it.

3642. For instance, in granting those certificates

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cates for lost pledges, is it not the case that in the majority of instances the people are unable to sign their names?—A great many of them are.

3643. The majority?—Possibly it may be a majority.

3644. Do you think that in that case the people who cannot sign their names are likely to be able to calculate interest?—They talk it over with others.

3645. Can they talk it over intelligently?—They can.

3646. Even to fractions?—It is wonderful how very sharp they are. Money is such an object to them; and even a halfpenny is such an object to them that they become very sharp and intelligent upon matters of that kind.

3647. Then their knowledge of arithmetic is better than their knowledge of writing?—It is. If you give them less change than you ought, they will find it out in a moment.

3648. Just now the pawnbrokers receive a license from the Inland Revenue, but the Inland Revenue never inquire, do they, into the character of the person receiving the license; their interest being to obtain the money?—No doubt.

3649. Is it not the case that in the city, with which you are so well acquainted, there are men who are very respectable in the trade of pawnbroking, and others who are very much the reverse?—No doubt there are various classes of pawnbrokers.

3650. Would it not be well that as regards those disreputable characters who will do any kind of business, the Inland Revenue should have a knowledge of the character of the parties before they grant a license?—They would have no means of ascertaining.

3651. Would it not be well that you or some body of magistrates who are acquainted from their connection with the police with the character of the parties who come before them, who do a disreputable business, should be consulted before the Inland Revenue grants a license?—I think that where a pawnbroker has infringed the Act, and acted illiberally and unfairly towards the poor in many instances during the course of the year, there would be no great objection to letting a magistrate have the power of putting a veto upon the renewal of his license.

3652. Would you not go a little further than to say that there would be no great objection, and say that it would be really a benefit to the public if those parties were driven out of the trade who so misuse it?—If they misuse it, yes.

3653. In other words, do you agree that the licenses of pawnbrokers should be given by the Inland Revenue after being reported upon by a magistrate, or some one in authority, who may, from his connection with this class of people, have the power of knowing their characters?—But in the first instance we should have no opportunity of knowing the first year that an application was made for a license, and the Inland Revenue would have no opportunity of knowing the character of the person applying.

3654. I do not suggest that it should be done to-day, but that it might be done in the course of time, when a thorough knowledge was obtained of the parties in the business. You say that some pawnbrokers do not give proper facilities to the police to examine their books or premises when a robbery has taken place?—I have said that the police have complained to me that some of the pawnbrokers do not give as great facilities as others, or as much as they should like, and as they think necessary for the ends of justice.

3655. Do you find daily that pawnbrokers are giving evidence as to property being stolen?—Every day, as I said before, in almost every case of larceny.

3656. Those cases which are being tried are merely accidentally discovered by tickets being found on the person of the thief when he is apprehended, I presume?—Just so.

3657. May there not be, therefore, a great many more cases of stolen goods in pawnbrokers' establishments where you have not had the good luck to come across the person who stole the property?—No doubt.

3658. Do you not think that it would be for the interest of the public, under those circumstances, that the police, or the detective branch of the police force, should have the power at all times to inspect the books and premises of a pawnbroker without receiving a warrant from a magistrate?—The police are in the habit of circulating lists among the pawnbrokers' shops of all stolen property, and they rely upon the pawnbrokers reading those lists, and giving them information if they have any property of that kind in their possession. Whether all the pawnbrokers really deserve that confidence or not I should not quite like to say.

3659. I have no doubt that the more respectable portion of the trade will act honestly, but laws are made not against the respectable portion of the community, but against the vicious; and while there may be honest men (as I believe the great majority of them are in that trade) still, in order to detect a black sheep in the trade, when they have the opportunity of so frequently taking in stolen goods, would it not be wise, for the protection of the public interest, that the police should have the power which I propose?—I think it would be an advantage.

3660. Although the pawnbrokers do not give facilities to the constables at present, they give great facilities to you, do they not?—Perfect facilities. I have no complaint whatever to make personally of the pawnbrokers.

3661. You have the power of granting a warrant if they do not give you facilities, have you not?—Yes; I must say that all the pawnbrokers in the various districts which I have known treat any message from a magistrate with very great attention, and afford every facility they can.

3662. It is of great consequence in detecting crime, is it not, to have an opportunity at once to search for it?—No doubt; a search warrant is of no use unless it is applied for immediately after the theft: the fact is that search warrants are of very little use now, and they are very seldom granted.

3663. Have you made up your mind, from your observation, as to what is the effect of pawnbroking upon the poorer classes?—It affords very useful accommodation very often, but it also affords great temptation to drink; there is no doubt that a great number of the women in this town go into a pawnbroker's shop and pledge a shawl to get 4 *d.* to enable them to go into the public-house; that is a very common occurrence.

3664. Do you not think that the fact of so many pawnbroking tickets being lost, almost invariably arises in the way which you have stated, *i.e.*, that from the pawnshop they go to the public-house, and they get into a state in which they lose the tickets?—I have taken great

reat trouble to find out how it comes to pass at so many tickets are lost, because certainly ere are several hundreds in the course of every y, and I have inquired from the most intelligent icers, and their explanation was what I have ven to you: that women chiefly pledge for all sums, and very frequently to enable them go to the public-house; they have a child in eir arms, and they give the ticket to the child play with, the child drops the ticket on the or, and the woman walks out forgetting the ket.

3665. Do you think that a system which leads such results has not a demoralising tendency on the lower classes?—There is no doubt that has.

3666. Do you not think that while it may do od in some instances, pawnbroking for small nounts is really a vicious system?—I think it

3667. You seem to be well acquainted with e pawnbroking upon the Continent; do you prove of the monts de piété?—Very much; d there they do not lend under 3 francs, I lieve.

3668. Do you not think it would be wise in is country to limit the amount under which no edge should be taken, to the same amount of s. 6 *d.*?—I incline to think that it would.

3669. Would you not go even a little higher? -No, I know the necessities of the poor, and I ould be afraid to go higher than that.

3670. Are not those necessities often created a vicious system?—No doubt sometimes they e: but still there would be cases where it ould be a hardship not to be able to raise that nount, I think.

3671. Do you not think that the cases are so w, and the evil so great, that it would be wise do away with it altogether?—I think that if ou said that 2 *s.* 6 *d.* should be the lowest, that ould meet the objection.

3672. You, at all events, would like to begin ith that, in imitation of the French system?— es, in that respect, I should.

3673. Do you not think, that even for a higher m than that, it would be well if we could con- uct some national system like the monts de été, so that it might be rather a charitable in- itution than a trade for making money out of e very poorest class?—I think it would be very seful if we had Government establishments of at kind. You have now Post Office savings' anks, where the poor can deposit their money, nd that has become a most useful institution; nd if you had places where the poor could go and orrow money it would be also very useful, and hen there would be a perfect check that the oney was lent upon property which was not olen.

3674. At present, I believe, it is almost im- ossible for a pawnbroker to obtain the proper ddress of the parties with whom he is doing usiness?—He relies very much upon the word f the person offering the pledge, which after all s no security, for of course if a thief goes in to pledge property he is sure to tell a falsehood, and ive a wrong name and address.

3675. In France they are very careful as to dentity, are they not?—Yes; the money is not ent on the same day as the property is taken; hey take time to inquire.

3676. Therefore, in the case of a man who was nxious, because of thirst, to pledge for a small sum in order to get money to drink, if he had to call again the following day, before he got the money, his thirst might cool?—No doubt; but that could not very well be done by the pawnbrokers, as they now carry on their business.

3677. It would not prevent the really necessitous poor from being relieved, but it would prevent the vicious from being enabled to gratify their appetites; and it would also prevent stolen property from being so often pledged, would it not?—Of course I am in favour of anything which will check that.

3678. The pawnbrokers, as a rule, in London have two trades: they have sale offices and pawnbroking establishments in the same house, have they not?—Yes.

3679. Do you think that it is a wise thing that those two businesses should be allowed to be conducted on the same premises?—I am inclined to think that it is not, because, undoubtedly, there is an opportunity of transferring from the one to the other.

3680. Should not the parties so conducting business be placed under the Pawnbroking Act, whatever be the amount of the pledge?—I do not see any objection to that.

3681. When a theft took place, they would have the means, would they not, of entirely preventing the chance of its being detected, because no one has the right to go into their sale shops? —No.

3682. Therefore, they conduct business under what they call freedom of contract?—We have had cases in which there have been very large robberies, in which the value of property pledged with pawnbrokers was very considerable.

3683. Have many cases come under your observation of servants, butlers, or others, having made a temporary use of their masters' silver plate, and pledged it?—Several cases of that kind have come before us.

3684. Do they frequently occur?—I think we do not hear of them, because they are able to redeem and restore the plate more frequently than perhaps you might be aware of.

3685. But you have cases of that kind?—We have. Generally speaking they come before us where the servant has been unable to redeem, and where he has absconded, sending the tickets in a letter to his master.

3686. On that plate were there crests and initials?—Yes; there is no doubt that crested plate of that kind is taken in, even by some of the most respectable pawnbrokers.

3687. Does not that fact go far to satisfy your mind that when respectable pawnbrokers are so careless as to take in silver plate with crests and initials, they are not very scrupulous as to the nature of the property which they take in pledge? —The answer which they give to that is, that it happens occasionally to very respectable people to be obliged to pledge their own plate, and that they are satisfied with the answers given. Butlers go and give their masters' names, and pass themselves off as gentlemen, and impose, no doubt, upon the pawnbrokers.

3688. But would it not be a wise thing, before taking in that property, for an honest man to put himself into communication with the party who was said to be the owner?—I think it would be a very prudent thing on the part of the pawnbroker to do so; but if it were found that questions of that kind were asked at one pawnbroker's, thieves would very soon find that out, and they would take

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take care to go to another shop where such questions would not be asked, so that it is the competition in the trade which creates the difficulty.

3689. Do you think that a respectable man takes in that kind of property because he knows that there are other men in the trade less respectable than himself, and that if he does not wink at this there are other parties who will be less scrupulous?—That is the result.

3690. Mr. *Plimsoll.*] You have spoken of the cases in which pledges have been forfeited by lapse of time, and the pledgers have come to renew them; have you been able to form an opinion as to the number of those cases?—They would be a small proportion.

3691. You spoke also of the intelligence of the poor, and of their being so well able to calculate the amount of interest to which they were liable; does it not occur to you that that knowledge and intelligence would be sufficient to enable them to protect themselves against unfair charges in freedom of contract as to fragile and bulky goods?—Probably they would know the amount of interest which they would have to pay under special contracts, but I think power ought not to be given to charge any amount of interest the pawnbroker pleased, but that the rate of interest ought to be fixed by Act of Parliament.

3692-3. Supposing the case of a person who wanted to pledge, say a chest of drawers, the rates being such that the pawnbrokers found such pledges so troublesome that they refused that kind of pledge, do you not think that the alternative is that the would-be pledger has to sell it outright, and so to incur a greater loss than he would sustain by the pawnbrokers' charges?—But I do not admit it. I think that if a man has a chest of drawers and wants to raise money he can get that money from the pawnbrokers. Some pawnbrokers may not like it as well as others, but there are plenty of pawnbrokers to take it in.

3694. You have spoken of the hardship to the poor to leave their goods, and their reluctance to leave them; are you aware that the bulk of the evidence given before us shows that from 2½ to 7 per cent. seems to be about the amount of unredeemed pledges at the end of the year?—That must be calculated upon one particular shop; it cannot be calculated upon the whole trade.

3695. *Chairman.*] Why not?—I do not suppose that all the pawnbrokers in the kingdom have met together to calculate the exact amount of all the forfeited pledges. We could ascertain it in London pretty well by the sales. Any one pawnbroker may have said that, and it may have been carried out as regards his shop, but it does not follow that that would be correct as to the whole trade.

3696. Mr. *Plimsoll.*] The licenses to pawnbrokers by the Inland Revenue department are granted, I presume, exclusively with reference to revenue, are they not?—I have no doubt that they are.

3697. And with no view to protecting the interest of the poor?—No.

3698. And therefore there would be no more ground for giving the magistrates power to interfere with pawnbrokers' licenses, than there is in regard to a tea dealer or anybody else?—Perhaps that might be so.

3699. Do you not think that it would be a very dangerous, and almost a tyrannical thing to give to a police magistrate, or a police contable, the right to inflict domiciliary visits upon any class of tradesmen, unless upon a sworn information; such power, for instance, as that which has been pointed at by some of the questions which have been put to you, by which a police constable would have the right of going to a pawnbroker to make those inquiries, the magistrate having the power, after the pawnbroker had been in one or two instances proved to have been guilty of some dereliction, to withhold his license?—I think not more than is the case at present; and it is absolutely necessary for the police to have that power. All, or nearly all, stolen property in this town is taken to the pawnbroker.

3700. If nothing more is sought than exists at present, I should have no objection, but the question seemed to point to additional power on the part of the police?—I think that the majority of pawnbrokers give facilities to the police officers when they go to make inquiries; but there are some who are not disposed to do so; I only intended to convey that.

3701. Mr. Alderman *Carter.*] Have you very often occasion to summon a pawnbroker before you for refusing to give facilities to the police?—I have frequently had to send to them.

3702. Have you ever been so dissatisfied with a pawnbroker as to feel it necessary to send for him for the purpose of reprimanding him for not giving facilities to the police to find out stolen property?—Our practice is to send one of the officers of the court to the pawnbroker, desiring him to see the principal, and to say that, no doubt, it has been the act of one of his assistants to refuse to give the police officer the information he required. We request them to do it, and they always act upon it. We are not in the habit of granting summonses against pawnbrokers, because there is no occasion for it; all they want is an intimation that the act is authorised by us, and that is conveyed to them through one of the officers of the court.

3703. You have spoken of the French system; are you aware that, in different districts of the City of Paris, there are agents who receive property from parties in their neighbourhood with a view of pledging it at the central office?—But that is with the knowledge of the police.

3704. But are you aware that there are agents who convey the property from the outer districts to the general office?—I am not aware of that.

3705. Do you think that if it be the case that such agents being appointed independently of the central office, there may not be as great facilities for pledging stolen property in Paris as in London?—Not as great.

3706. I understood you to say that you were not in favour of what we have called "free contract"?—I am not.

3707. What is your objection to what is called "free contract"?—I think that pawnbroking is a trade which ought to be under regulations; it is a privilege to have it in this country at all.

3708. We have evidence that where the article is too bulky, and the pawnbroker cannot receive it, it is usual to take it to a dolly shop or a broker's shop, are you aware of that?—I do not think that dolly shops deal in articles of that kind generally.

3709. Supposing that a person had a bulky article in his house, and wanted money, he must either part with some of his wearing apparel, or with some of his blankets, or with a bulky article which

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hich the pawnbroker, without a special contract, ould not take; do you not think that it would e an advantage to him that he should be able to rt with his bulky article?—Certainly; speakg of those bulky articles (like a piano, for stance) which are above 10 *l.* in value.

3710. But the working man is not likely to ve a piano; I am speaking of an article much ss valuable than a piano, which would not fetch, will say, more than 1 *l.*; the man might feel me objections to parting with his clothes, or rting with his furniture, and he would rather ke some bulky article out of his house; as you they are very sharp in reckoning, and that ey cannot very well be imposed upon though ey are ignorant, why should they not by special ntract take an article of that kind to the pawnokers?—I think that it would be very danrous to throw open to the whole pawnbrokg trade the power of charging whatever they eased.

3711. Do you mean that to apply to amounts ove 10 *l.* as well as below 10 *l.*?—I think, as I ve said before, that 10 *l.* is too low a sum; but t is the sum named in the present Act.

3712. Would you restrict pawnbrokers to a rtain amount of interest for articles of 10 *l.* and to 20 *l.*?—I would.

3713. Would you do the same with a person o discounts a bill?—That is a different trade ogether.

3714. It appears to me that the principle is ecisely the same?—No; my object is to take e of the poorer classes.

3715. A poor man might want to discount a l of 10 *l.*, might he not?—My object is the supession of crime, and also to take care of the inests of the poor.

3716. *Chairman.*] Is it upon the principle of otecting the interests of the poor that you wish raise the limit to 20 *l.*?—I think there are ocsionally poor workmen who, from long illness, e obliged to pledge articles above 10 *l.*, and to om it would be an advantage if the provisions the Pawnbroking Act, 39 & 40 Geo. 3, were plicable to cases up to 20 *l.*

3717. An honourable Member asked you ether it would be an advantage to have a law de by which a person borrowing money on his rsonal security should be brought under the ury laws?—The usury laws were discussed ne years ago, and it was thought expedient to eal them. I would not venture to give an inion after the action of the Legislature upon t point.

3718. Do you think that if a man borrows at y rate of interest without security, there ought t to be an usury law, but that if he borrows on the security of his goods there ought to be usury law?—I say that the Legislature have ought so, and I do not wish to give an opinion to the wisdom of their proceedings.

3719. Mr. Alderman *Carter.*] Are you aware t people often pledge for the purpose of asting themselves in their business?—No doubt.

3720. Suppose that a cloth manufacturer, for stance, took half-a-dozen ends of cloth to a wnbroker, would you restrict the pawnbroker to any interest which he might agree to charge keeping and warehousing those goods?—Yes, would, because if I once opened the door he uld do it in every case. If you were to pass s Act, and give pawnbrokers power to make ecial contracts, there would be scarcely anything but special contracts, and I should think the pawnbroking trade would have reason to regret it; because they would have much more competition than they have now.

3721. Colonel *Beresford.*] With the advantage of your long experience, do you know of any pawnbroker in the trade so disreputable that you would refuse him his license at the present time?—Of course I shall not name anyone, but I think I have known pawnbrokers against whom there were so many complaints that if I had a discretionary power, I should say "You cannot have your license next year." But such cases have been very few.

3722. Mr. *Whitwell.*] It seems important that as it is a vital part of the Bill whether freedom of contract should be introduced, we should have your opinion clearly and definitely. You propose to raise the amount to what sum?—To 20 *l.*

3723. And that no person should make a contract under 20 *l.* with a pawnbroker, except on a schedule of rates?—Just so; the present schedule in the 39 & 40 Geo. 3, of course raising it up to 20 *l.* in similar proportions.

3724. You are aware that the rate of interest which the pawnbrokers can now charge upon small pledges is 50 or 60 per cent.?—It is not as much as that, I think.

3725. What would be your limit for a 15 *l.* advance upon a gold watch?—The charge might be in the same proportion as for 10 *l.* up to 15 *l.*, and then it might be varied a little.

3726. Then if a person wished to pledge a gold watch, and could get an advance upon it at the rate of four or five per cent. from a pawnbroker, should he not be allowed to do it?—I should not object to that.

3727. Then you still allow freedom of contract?—It would not be freedom of contract if the Act names it. My objection to the special contracts is that there is no limit.

3728. Then, even for goods above 10 *l.*, is it your opinion that there should be a prescribed rate at which a pawnbroker should advance money, and below which he should not be called upon to go?—Just so.

3729. I think you were asked whether there was any reason for dealing with pawnbrokers differently from other trades, in the way of granting a license?—Simply that their transactions are very much with the poor people, and that there ought to be certain restrictions.

3730. Is there not a reason why they should be an exceptional trade, inasmuch as they are the chief depositories of stolen goods?—No doubt that is the main reason. It is incidental to the trade; they do not do it knowingly, of course, but they do it.

3731. You stated, did you not, that there was a good deal of fault by shops being managed by an assistant instead of a principal?—By a number of young assistants, who sometimes give uncivil answers to the poor people and do not take sufficient notice of the persons who come to pledge, and when they are called forward as witnesses they do not recollect. That is most inconvenient, although the pledge was only taken in yesterday. Sometimes we have assistants coming forward producing the stolen property, and saying that they have no recollection whatever of the person who pledged it. That is a want of care and attention.

3732. Is it not an actual failure of memory

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with them?—I daresay it is; they are only thinking of taking in the pledge, and getting as many as they can of them. We do not find that so much the case when the principal himself takes in a pledge; he generally pays more attention to it.

3733. But if 1,600 pledges are taken in in one day, how can a person remember the people pledging?—I do not mean to say that he can remember every one; but still there are remarkable instances of plate and things of that kind pledged, and within a day or two they have not the least recollection of the person who pledged it, and they are constantly found fault with at the sessions. If you examined Sir William Bodkin, he would tell you his opinion upon that point.

3734. In your opinion, then, has a failure of justice often been occasioned by the want of proper recollection of the pledger?—Very often indeed.

3735. With regard to pawn tickets: in your opinion do the certificate or affidavit presented to you, and the order consequently made for the pawnbroker to deliver the pledged article, constitute any legal claim against the pawnbroker on the part of any other person owning the pawn ticket?—No; it is a good answer on the part of the pawnbroker to say, "There is the declaration upon which I gave the article out of pledge."

3736. Then you have ruled on occasions that that is the law of the case?—Yes, that is a good answer; if anyone has made a false declaration he can be indicted for perjury.

3737. When you stated, in answer to the question of an honourable Member, that it was undesiderable to shorten the time for which pledges are held by pawnbrokers, had you in view the fact that woollen articles of clothing are pledged in the month when the weather became warm, and that they are much more valuable when the weather begins to be cold again than at the twelvemonths' end?—The poor person can best judge of that himself; it is to his prejudice if it is left too long, but they would be very sorry to have the time shortened.

3738. You stated, did you not, that there were cases where, if you had a discretionary power, you would withdraw the license from a pawnbroker?—I said that there had been such cases in the course of my experience.

3739. Are you aware that that is a power which is entrusted to justices in New South Wales?—I was not aware of that fact.

3740. And also in Victoria, ever since 1849?—I was not aware of that fact.

3741. Would you recommend that the sale of articles under 10 *s.* should be done by an auctioneer?—I really think it would be a fair thing; I could never see why there was that distinction, and why, if they fetched more than the principal and interest, the poor person should not have the benefit of that, although the pledge was under 10 *s.*

3742. Have you ever had any person apply to you for the restoration of the value of an article sold over and above the amount for which it was pledged?—Yes, but such applications are not so frequent as might be supposed, and I believe that a great many persons are not aware of the clause in the Act which gives them the right to inspect the books and claim the surplus.

3743. Could you recommend any alteration in the law with the view of protecting persons who have pledged articles which are afterwards sold?—The law is so, above 10 *s.*, but the misfortune is, that people have not always the opportunity of knowing what the law is; Acts of Parliament are not made sufficiently public.

3744. Would you think it unreasonable that the pawnbroker should be compelled to give notice to a person whose article was going to be sold if it was above the value of 2 *l.*?—There is nothing unreasonable in that, but there would be a great difficulty, because the people who pledge nine times out of ten give a wrong name and a wrong address, and therefore the pawnbroker would have no means of communicating with them.

3745. Mr. *T. Hughes.*] As to the time of opening, what is your opinion?—I think the present hours are very good.

3746. Do you think it advisable to let pawnbrokers keep their shops open as long as they pleased?—No, I think the present hours work very well; they are late enough on Saturday nights, but that of course was an object for the poor, and I see no reason for altering them.

3747. Mr. *Orr Ewing.*] But why should they be open later on a Saturday night?—Because the poor people get their wages at a late hour very often, and then they are able to go after they have received their money and take their article out of pledge; and the articles taken out of pledge on the Saturday night are much more numerous than on any other night on that account.

3748. Is it the case in London that masters pay their workmen late in the evening?—Yes there are some now who pay on Fridays, but not so many as there ought to be.

3749. Would it not be well to change the law and make them pay earlier?—That is a different question altogether, but no doubt it would.

3750. Mr. Alderman *Carter.*] Do you think that in many cases you would be able to get the men to work on the Saturday mornings if you paid them on Friday nights?—That is another question.

3751. Mr. *Hambro.*] Would you extend the provisions of the Factory Act to children employed in the pawnbroking trade?—No, I never had any complaints of the assistants being in bad health; they look very well when they come as witnesses.

3752. *Chairman.*] Do you see any particular use in placing great restrictions upon obtaining goods by pledges, especially if the goods are always abandoned after the pledge, whilst every one is at liberty to sell goods freely without pledging at all?—I do not want to impose any restrictions which are not necessary to assist the officers of justice in the discovery of crime.

3753. There are no special restrictions upon the sale of second-hand goods, are there?—No.

3754. Then what is the difference between the obtaining of money on the pledging of goods which are not redeemed and the selling of the goods?—The facilities for pledging at pawnbrokers are much greater than the facilities for selling.

3755. What is the difference between the facilities of taking the goods to a pawnbroker's and having to give your name and address and other matters, and taking them to a person who buys and having to answer no questions at all?—that person who buys is discovered he will be indicted as a receiver, and that is the protection which

which the pawnbrokers have. The pawnbroker can set up the privilege of his trade to take in articles, and therefore we cannot indict him as a receiver well knowing that the property was stolen; but if we find it in the possession of a man who buys it without asking questions, it is a totally different thing.

3756. Do I understand you then that it is your view of the law, that a man can be indicted as a receiver of stolen goods who buys goods brought to his shop, he having an open shop to buy goods?—If he buys them incautiously it will be for a jury to say whether he did not receive them under such circumstances as that he ought reasonably to have suspected, and if he did he cannot set up the answer that a pawnbroker would be able to set up.

3757. Do I understand you that it is your view of the law, that a man is bound to take any more care in buying goods in an open shop than a pawnbroker is for the goods which he may take in pledge?—I do; because in the first place it is not in the custom of the trade to buy in that way.

3758. If there is an open shop to buy a commodity, is not a man entitled to buy goods in the way of his trade in a shop which he keeps for that purpose, and is it the law that that man can be indicted for receiving stolen goods?—I cannot answer that without knowing what were the circumstances, what was the article, and at what hour of the day it was sold; if the circumstances were sufficiently suspicious, then I would let a jury determine that point.

3759. The question assumes that a man keeps an open shop for the purpose of buying goods, and that in the way of his trade a person offers those goods for sale; do I understand you to say that if a man buys those goods without taking down the name and address of the person who sells, he is liable to be indicted for receiving stolen goods, knowing them to be stolen?—I cannot answer that general question, because if it is in the way of trade that would make all the difference.

3760. Supposing that pawnbroking were put an end to, and that trades were established for the buying of commodities in open shops, would it not be the right by law of every person to buy goods which were offered him for sale?—The question would be, whether he used due diligence in the purchase according to the custom of the trade, or whether he really gave facilities for a man to part with the property which he had, and which did not belong to him.

3761. Colonel *Beresford.*] No man in that position would buy without asking the name and address of the seller, I presume?—Of course not.

3762. Mr. Alderman *Carter.*] Do you mean to say that in the case of a party offering a coat to a second-hand clothes dealer, the buyer would ask the address of the party offering the coat for sale?—No; in that particular trade they do not ask such questions.

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3763. *Chairman.*] That is buying and selling in the way of trade, is it not?—No doubt; in that case there would not be sufficient to convict him.

3764. Nor in any open trade, supposing that there were no pawnbrokers?—When that time arrives I shall be ready to answer the question.

3765. If you take to a man who deals in second-hand jewellery, an ordinary ring, for instance, is he bound to verify your name and address, and to send to your house, and so forth?—I must hear all the circumstances under which he bought, and if they were suspicious, then it would be for me to determine whether a jury ought to be referred to in a matter of that kind.

3766. Did you ever know a jury to convict a man receiving goods knowing them to have been stolen, when he bought goods over the counter for their fair value?—No, not for their fair value; that is always an ingredient; but if he bought very much under the value, the case would be different.

3767. It requires a special fact to be shown, does it not?—It is not necessary to establish the special fact. If he bought the articles so incautiously, and made such a profit by them as to leave no doubt upon any reasonable mind that he must have suspected that they had not been honestly come by, a jury would be entitled to find him guilty, and they have done so very often.

3768. Mr. *Orr Ewing.*] I suppose that you would like those shops put under the inspection of the police?—They are. The leaving shops are a very great evil. I have drawn the attention of the Inland Revenue to them, and they have been prosecuted within the last year several times at my court for infringing the Pawnbroking Act. There have been several convictions, and the full penalty has been inflicted upon them.

3769. But have the police the power of entering those shops whenever they think fit?—Yes; they go into them, and treat them almost as if they were pawnbrokers. They know them very well. But I must say that those shops deal in a very small way, and generally with very poor people, who do not like to be asked even the questions that are asked in pawnbrokers' shops.

3770. They are not men of capital like pawnbrokers?—No, they are in a very small way of business; but they are a great evil, and we are doing all we can to put them down.

Mr. William M'Donald, called in; and Examined.

3771. *Chairman.*] What are you?—I am at present practising in the minor courts in Edinburgh.

3772. As a writer to the signet?—As an assistant in cases both civil and criminal for the poorer classes.

3773. Is there much pledging in Edinburgh for very short periods?—A very great deal. The bulk of the trade is of that description.

3774. Are the pledges of very small amount?—Most of them amongst the poorer classes are so.

3775. Do they generally redeem the pledges?—Mostly weekly.

3776. Do you mean that a great many people are in the habit of pawning at the beginning of the week and redeeming at the end of the week?—I should say thousands in Edinburgh.

3777. What is the purpose for which they do that?—They have got into the habit of it, but how I cannot say.

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3778. What is the object of their doing it in that way?—I believe that they are improvident people that have begun it. It is taken out to go out on the Sabbath day. It is their Sabbath-day clothing that comes in on the Monday morning and is redeemed on the Saturday night.

3779. To what amount do they repeat this operation weekly?—I believe, on an average, to 5*s.* per week in each family.

3780. Then the possession of 5*s.* would enable them to dispense with this practice, would it not?—I believe the possession of from 5*s.* to 10*s.* would have that effect.

3781. What is the reason that they cannot get possession of 5*s.* or 10*s.*?—I believe that socially they have travelled out of their depths, and cannot get to the ground again.

3782. Do you mean that their wages are so small that they cannot accumulate 5*s.*?—I do not mean exactly that; I mean that they have embarked in weekly payments which cause a continual drain upon their wages, and which are gradually making the people less and less able to save. For example, there is the "tally" system, which is very largely carried on in Edinburgh; that is, buying goods on credit and paying at the rate of 1*s.* a week; the man calls weekly for 1*s.* I know some working men's wives who have from six to eight of these men to meet weekly, and two is a very common number.

3783. You mean that those people are always in a state of indebtedness?—They are always in debt; and most of them the moment a pawn shop opens raise money on a Monday morning to meet those men; Monday is the busy day.

3784. And therefore they will never take the trouble to pay their debts and save 5*s.*?—There are so many of them that I cannot account for the reason; but such is the fact that there are thousands in Edinburgh engulphed in it.

3785. Do you think the cause of this extraordinary indebtedness of the poorer classes is, that that there is in Scotland the law of arrestment of wages?—I believe this Bill which is now passed will be a check to them. In the Justices of the Peace Courts, of which there are two in Edinburgh; one called the County Court, and the other called the Burgh Court, where the County Justices and the Burgh Justices sit, and which courts are held every Monday, my own experience has convinced me (in fact I am speaking from my knowledge of this) that on an average tallymen alone have 50 cases weekly. The great bulk of their payments have within the last three to five years been principally collected by the Justices of the Peace officers; because the moment the poor people fall into arrear, say 2*s.* or 3*s.*, the summons is served. These small debts have, a great many of them, been contracted without the knowledge of the husband; the summons is left at the house; the husband is at his work, and he knows nothing about it, or about the debt having been contracted at all; a decree goes in absence, and the wife never takes the trouble to go to the court. The arrestment then goes on to the man's wages, and he knows nothing of it until the arrestment comes in, and by the time the arrestment comes in he has no power to act in the matter, because the Justice of the Peace Act says, that when 10 days have expired after the charge, the whole thing is closed and cannot be opened again. Then when his wages are arrested he has no salvation; the debt must be paid then, just or unjust.

3786. He has no choice, but either to abandon his occupation altogether or to submit to this arrestment?—Yes.

3787. And, therefore, he is left in great straits, is he not?—Yes.

3788. It would seem that the embarrassment results from the great facility the tallymen and others have of enforcing their rights by the arrestment of wages; is that so?—Yes, they sell the women goods in the absence of the husbands, and just immerse the poor people in difficulties that they cannot extricate themselves from.

3789. Then you think this pressure necessitates their resorting to pawnshops to obtain the funds that they absolutely require?—To a very great extent it does; I was also employed for several years on a popular paper in Edinburgh among the working classes, called the "North Briton," to pay attention to the habits and customs of the working classes; and I made it my business to watch the doors of pawnshops in Edinburgh on the Saturday nights and Monday mornings for three years (not constantly every week, but very often throughout the year), and I came to the conclusion, from the notice that I paid to them at those times and throughout the week, that there was far more business done on Saturday night and Monday morning (on Saturday night by taking out, and on Monday morning by taking in) than was done all the rest of the week. I do not speak now of the respectable pawnbrokers, such as the Equitable Loan Company, managed by Mr. George Russell; I believe business is conducted there fairly and honestly.

3790. You say that by the company of which you have just spoken, the business is conducted fairly and honestly; what is the unfairness and dishonesty in the transactions to which you have referred?—Some years ago there was a system very largely carried on in Edinburgh called the "Wee pawn" system, to which the police directed their attention, and directed it so forcibly that those "wee pawns" were ultimately put down by the police to a very great extent; they do like every other evil, crop up now and then, in spite of the best efforts of the police.

3791. But what is the unfairness and dishonesty in the other transactions to which you referred?—The greater number of "wee pawn" keepers, when they were driven out of the "wee pawn" system, took out what is called the 7*l.* 10*s.* license, and became pawnbrokers. There are now a number of them who are pawnbrokers, and I do not consider that the getting of the license, made those men what I would call moral, because I do not think a moral man would have gone into the "wee pawn" trade; and they still take every advantage that they possibly can of the poor. For instance, Mr. Russell, the manager of the Equitable Loan Company, deals in farthings, and I find that the more respectable part of the pawnbroking trade are desirous to obey the Act; but the lower the pawnbroker is the less is his desire to obey it, and he will not keep a farthing in his place. He deals only in halfpennies and pennies; that is one act of dishonesty, because it is charging interest beyond what the Act prescribes.

3792. Is there anything else?—I do not believe that they give those facilities to the police for the discovery of stolen goods which they are bound to do.

3793. But with reference to those particular pawnings; do they commit any other acts of dishonesty

dishonesty or unfairness?—Yes; they get a halfpenny for every ticket under the recent Act, of which I suppose you are aware. If a poor woman goes in with her husband's Sunday suit, the coat, vest, and trousers, those unscrupulous pawnbrokers split the pledge and make three pledges of it; the coat is a pledge, the vest is a pledge, and the trousers is a pledge; she has thus three-halfpence instead of one halfpenny, supposing that a lesser sum is to be advanced upon an article than would entitle him to one penny on the ticket. Of course those clothes are not very good clothes, and they do not get very much on them. I have known a suit that could not command 5 *s.* being split into three pledges.

3794. That is not illegal, is it?—That is not illegal, but I do not think it is fair.

3795. In what does the unfairness consist?—If the woman goes with her husband's coat, and vest, and trowsers, of course the very fact of her requiring to go there proclaims her need, and the one bundle would hold the whole; I think she is not a fit subject to rob of a penny.

3796. But if the law allows a person to lend money under a particular condition, and he lends it under this condition, what constitutes the unfairness?—Supposing the woman goes with a suit, I consider the suit an article in one sense, although it is three in another; her intention is to pledge the suit. That would only give the pawnbroker a halfpenny for his ticket, and I would give him no more for his interest either, at the end of the week, if the pledge did not exceed 5 *s.*; but he splits it into three, and then he has a halfpenny for each ticket and interest on each article; so that supposing those articles are pledged on the Monday morning and lifted on the Saturday, he would have the 5 *s.* being advanced, he would have the halfpenny interest on each article and a halfpenny for each ticket, which gives the pawnbroker 3 *d.* instead of a penny.

3797. But if it be a perfectly lawful transaction, and if it be competent to the person who tenders the pledge to tender it, what constitutes the unfairness?—I cannot make the thing more clear. It is lawful for a publican to fill a man drunk, but it is not fair to do so, although he can legally sell the drink.

3798. Is it lawful for a publican to serve a man who is drunk with more liquor?—No; but if he comes in sober it is lawful to allow him to drink until he goes away drunk; he may supply a man with as much as he likes, provided he can go away.

3799. What is there wrong in a man having as much beer given him as he calls for, provided that he is not drunk when he calls for it?—What I wished to make clear is, that while it is quite legal for the pawnbroker to charge this halfpenny, it is not fair, because he could have made the pledge one bundle, which was the woman's intention, but he makes three of it for the purpose of paying himself better.

3800. Mr. *Orr Ewing.*] You believe that it is within the letter of the law, but not within the spirit of the law?—That is so.

3801. *Chairman.*] What makes you infer that it is within the spirit of the law that a person is at liberty to put as many articles as he pleases together, and to insist upon the pawnbroker advancing money upon them as one pledge, because that would be the consequence of your view?—The only thing I can say to make it more clear is this: that when a poor woman goes to this pawnbroker with her husband's clothes, I believe that the woman has no other intention but to consider that as one pledge; and I believe that when she puts that pledge in on the Monday morning with the intention of taking it out on Saturday, she thinks she pays quite enough when she pays a halfpenny interest and a halfpenny for the ticket; the pawnbroker thinks otherwise, and he thinks that he may legally convert this transaction into a 3 *d.* transaction, and that he will take a halfpenny for the vest, a halfpenny for the coat, and a halfpenny for the trousers, both for tickets and for interest; and my simple meaning when I say that it is not fair is, that it is not exactly in accordance with what the woman intended.

3802. I understand you now to mean that the woman going into the shop intending to make a bargain one way, and the pawnbroker offering her a bargain in another way, she accepts the pawnbroker's bargain rather than her own bargain?—Just so.

3803. But she perfectly understands the two views of the bargain, does she not?—Perfectly.

3804. There is no doubt about it, is there?—There is no doubt about it.

3805. Is she not doing it with a perfect consciousness that if she could get her bargain she could do it for 1 *d.*, but that if she does it at the pawnbroker's way she does it for 3 *d.*?—That is it.

3806. Rather than go out of the shop and go elsewhere she gives the 3 *d.*, does she not?—Just so.

3807. Is it your opinion that it would be desirable to pass any law to prevent this system of repeated pledging of articles of small value for small sums?—I have often thought (though of course I merely give it as my own opinion) that were it possible to prevent pawnbrokers from taking in pledges below 2 *s.* 6 *d.* it would be a great benefit to what I would call the lapsing classes. I believe that were this the case when a child got a frock or a pair of shoes, or whatever it might be, it would be able to keep it; but still there is one thing to be borne in mind, and that is, that unless this was done very carefully it would have no good effect upon the poor. For example, I have already illustrated to you how one pledge can be made into more articles than one, and the pawnbroker could get over the Act by putting a lot of articles together to make a pledge exceed 2 *s.* 6 *d.* To prevent that I would suggest that no pawnbroker be allowed to advance a sum less than 10 *s.* upon anything that was not a single article. I think that had we those checks the poor would be able to keep their clothing. I do not blame the pawnbrokers for taking them, but still I think it is very desirable that some means should be adopted whereby the unthinking portion of the people should keep their clothing.

3808. You have stated that the people are so thoughtless that they buy goods when they cannot afford to pay for them, what would they do with regard to selling their goods if they were compelled to have money, and they could not pledge them?—I do not know what the law in England relative to that is, but in Scotland it is only brokers who do buy goods, and the law relative to brokers is, that they cannot even buy a piece of old rope, value one halfpenny, and sell it again within seven days; so that I think that a

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sufficient check. The husband could look after that.

3809. Is it your opinion that the improvidence which has induced people to buy goods when they cannot pay for them, would not induce them to sell goods when they absolutely wanted the money to be got for them?—I believe that when the article is put in pawn for the purpose of procuring drink, parties such as those would take any means within their reach of parting with their goods.

3810. Therefore the difference would be that they would sell the clothes, or whatever it might be, to dealers in second-hand goods?—Yes.

3811. Then all that we should have got would be selling in exchange for pawning, would it not?—Yes, but there would be a check upon that in this way: that those second-hand dealers (I speak of Edinburgh only) have to get their license every year from the police judge, and whenever the superintendent of police discovers parties purchasing in any way that is not what he thinks proper, he reports it, and the license is not repeated.

3812. Would there be any impropriety if a man came to sell a suit of clothes, or a coat, or a part of a suit, in buying them at the value that was bargained between the two parties?—There would be no impropriety whatever; but if a broker was once detected in purchasing the articles of a household from a drunken wife with his knowledge, I do not think his license would be repeated.

3813. But supposing the case of a sober wife or a person not drunk?—That is taking cases of extreme poverty, which I believe it is impossible to speak upon.

3814. With reference to the other class of people who do not pawn for drink, but who are involved with the tallymen, what would happen to them when they were pressed for money, and with arrestment of wages, and so forth?—The working classes of Edinburgh are a most respectable class of men, taking them as a class, and although the tally trade is a very large trade, I believe that the most part of it is carried on by women, who have got into habits not altogether right, and who contract those debts without the knowledge of their husbands; I do not think that there is one out of every ten of those debts contracted with the knowledge of the husbands.

3815. But what would be done when the pressure came, and they were not allowed to raise money by pawning; would they sell their things, or what would they do to get out of their troubles?—I believe they would sell.

3816. Then, again, we should substitute the selling of goods for pawning them?—But there seems to be a movement afloat in Edinburgh to a large extent. There is a society in Edinburgh at the present moment called "The Society for Improving the Condition of the Poor." They lend money to the poor, after making inquiry into their circumstances, and ascertaining that it is a proper case for a loan, and they neither need to pawn nor sell in those cases.

3817. But that is merely a benevolent society spontaneously acting from charitable motives, I presume?—Yes.

3818. Mr. *T. Hughes.*] Do they charge interest?—No.

3819. *Chairman.*] I am speaking now on the assumption that people are exercising their legal rights of doing as they please within certain limits. I understand you to say that they would have to sell their goods; and that they would sell them?—After many years' experience among the working men of Edinburgh, my own impression that once a great number of the evils that surround them at the present moment were removed (and I consider taking in low pledges one of them), all those things would go away. I believe this Arrestment of Wages Bill will annihilate the tally system altogether; and while there may be cases of extreme poverty where people would have to part with their goods for honourable purposes, I know of no other thing that they could do than to sell, if they had not a place to pawn.

3820. Then it would seem, in your view of the present condition of society, to be rather a choice of evils; that a person must either pawn or sell; and the greater evil, you think, is pawning, and not selling?—I believe that even parties who are in the habit of pawning at present, knowing that they can redeem, would not always sell. The very fact that a man knows that he can get back an article that he has pawned, in the course of a week or a year, encourages him to put it away. If he knew that it was totally sold, and he could never get it back again, he would think twice before he parted with it.

3821. But I understood from your previous evidence, that the workman is in circumstances of necessity by reason of his misconduct, or that of his wife?—Yes; but the working men of Ediburgh are very well off; they have capital wages.

3822. Then in those cases there would be no necessity to pawn or to sell, I presume?—The working men of Edinburgh do not, as a class, patronise pawn shops.

3823. Then we have one man in necessities arising from credit too easily obtained, and another man who is addicted to drinking, or who, or whose wife, gives way to dissipation?—Yes.

3824. And you think the dissipated person would just as soon sell as pledge, if he could not pledge; and that the man who is in a state of necessity must sell if he could not pledge, because he cannot get out of his difficulties otherwise?—I believe the dissipated man rather than want the drink would sell; but I believe he would think twice before he parted with his article.

3825. Do you think it desirable that there should be any change in the relation of the pawnbroker to the police; and that there should be greater facilities given to the police to detect theft?—In Edinburgh the practice is, that there is an officer set apart by the superintendent of the police for that special duty.

3826. Is there any Local Act with reference to that?—I think it is the Edinburgh Police Act of 1848. At any rate, I know it is a fact, that for many years a man has been appointed by the superintendent of the police for the special duty of the inspection of pawn shops, and it is his duty to go round those pawn shops regularly, inquiring after stolen property; but I do not think that that is an effectual method.

3827. What method would you suggest?—I would suggest, though it might cause trouble to the pawnbrokers, that instead of the police supplying them every morning with a list of articles,

icles, they should keep a cheque book, some-ing like a banker's cheque book, with perfo-ed holes, and that one part should be the ket given away to the pledger, and that the maining piece should be the property of the lice, and should be sent to the police every ght. Then the police would have a knowledge every article pledged, and consequently of ery stolen article pledged.

3828. That is to say, a daily report of all the erations of the pawnbrokers?—Yes.

3829. And that the police should keep a gister, and so know everything that was done? Yes, it would not be so great an exposure as e present system.

3830. Then you would, I presume, have some rticular officer of police who would keep this gister, so as not to expose it generally?—Yes, would never be seen but by the police; it ould be a less exposure than the present system, cause by the payment of 1 *d.*, any inquisitive curious person can inspect the pawnbroker's oks, and see the names of all who have pledged at month.

3831. Do you mean that he can make a general spection of the books?—Yes.

3832. Under what law?—Under the Pawn-okers Act. Supposing that I am inquisitive, I ve just to go and say that I want to look for article, and pay the 1 *d.*

3833. Must you not produce the duplicate?—o, it can be done on payment of 1 *d.*

3834. Mr. Alderman *Carter.*] Are you certain that?—I am certain that on payment of 1 *d.* ou can inspect a pawnbroker's book at any time; pposing the article to have been sold, you just ay the 1 *d.*, and you name the month in which e article is pledged, and the pawnbroker hands ou the book.

3835. *Chairman.*] That is the case with goods elow 10 *s.* being sold by auction, and the person aying a 1 *d.* is entitled to look at the particular ntry relating to his goods?—Yes, and of course ll the other entries are there.

3836. But he is not entitled to see them, is e?—He is entitled to look at the book; I nerely say that it gives access to the book.

3837. Mr. *Mills.*] He has to give his name and he date, and so on?—Yes, but still he sees the ook; I mean to say any pledger can look over ne pawnbroker's books.

3838. *Chairman.*] He could go and see the ntry respecting the sale of his own goods?—Yes, o doubt, but he can go over the whole book, if e is an inquisitive man.

3839. But where is the law?—The book is here.

3840. He is not entitled to see anything more han that particular line, is he?—But if he can-not give the proper date the pawnbroker lays down the book, and he looks it out himself.

3841. But that is not the law, is it?—I can ssure you that it is done.

3842. He must give all the details, and then he particular line, showing the sale of his par-icular article, is shown to him, and no more; is not that so?—If he cannot give the particular dates the pawnbroker lays down the book for him to look up his own article; that is the custom in Edinburgh.

3843. Have you any further suggestions to offer to the Committee to prevent the pawning of stolen goods?—There is one thing which has always struck me as somewhat peculiar with reference to the pawnbroking trade, that they all have private boxes for their customers. A pledger comes in and opens a door, and shuts himself inside, and, in a sort of whisper (because it is not done in any way like other business), the pawnbroker, or his assistant, and the pledger transact the business. I cannot see why, if pawnbroking is a fair and honourable trade, it should be done in this way, or why they should not have open counters like other tradesmen; I know it is said that it is out of consideration for the feelings of honest people, whose necessities may drive them there; but, while it does that, it considers the feelings of the thief also, who has the opportunity of secrecy.

3844. Do you think that a man is bound, if he wishes to have dealings with another person, to deal in the presence of any audience that may happen to be around?—I know of no place in Edinburgh, at any rate, where stolen goods can be got away with such secresy as at the pawnshop, because in a broker's shop there is an open counter; in any dealer's shop there is an open counter; but in the pawnshops there is a little door behind which the thief can shut himself in, and there is no one there except himself and the pawnbroker or his assistant, and there is no speaking loud enough for anybody to hear, and thus the stolen article is got rid of at once.

3845. Supposing that a man sells goods in a shop, is he bound to make his bargain in the presence of anybody, or may he go into the back shop and deal in private?—He may.

3846. Does not he do so?—I have known men make private bargains in that way.

3847. Mr. *Orr Ewing.*] As a rule, however, business is done openly, is it not?—As a rule business is done openly, unless there is something they do not wish people to know; and, I think, the fact of these boxes being there suggests that there is something in the transaction which either the pledger or the pawnbroker, or both, desire to conceal. I would suggest that the pawnbrokers should have open counters, as they have in other businesses.

3848. *Chairman.*] Do you think the pawnbroker would have those boxes if it was not for the sake of his customers?—Perhaps not. A pawnbroker's business is a fair and honest business, and with many of them it is so.

3849. Do you not think that they do it to suit the convenience of persons pawning?—I do not know; but I know that it gives facilities to the thief that he has not elsewhere.

3850. Do you think that any inconvenience arises from goods being sold in pawnbroker's shops?—Yes; most of the pawnbrokers in Edinburgh have what they call their sale room and their pawnshop together; and this, at present, is giving rise to some evils. There are men in business in Edinburgh who have occasionally to pawn a part of their stock to meet immediate necessities. I know of a schoolmaster who does it frequently, and the pawnbroker with whom he deals has his sale room and his pawnshop both on the same premises. I know for a fact that this pawnbroker, when a purchaser comes in for a pair of boots, if there is not a pair in the sale-room to fit, that purchaser goes to the unredeemed pledges of this shoemaker that are in his pawnshop, and picks out a pair and sells them, although they are not redeemed; and then he

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sends word to, or tells, the shoemaker that he has sold a portion of his pledged goods, and he gives him the price of them, less his profit upon the transaction, and then a ticket is given for the quantity left on hand. I think that the very fact of that being the case is good ground for asking that their premises should be separated.

3851. Does that occur very often?—I am told that it is getting very common; so common that I know a shoemaker in Edinburgh who supplies four pawnbrokers with ready-made boots for the purpose of selling to the public as unredeemed pledges.

3852. I understand you to say that those sales take place with the consent of the person who pledges the articles?—Yes.

3853. That is a perfectly legal transaction, is it not?—I do not think it is legal, according to the Pawnbrokers Act.

3854. What clause do you think makes that illegal?—I have not read the Act recently, but I know the pawnbroker is not allowed to buy and sell in his pawnshop.

3855. Have you any recollection of the provision which makes it illegal for him to sell in his pawnshop?—I have not, but I know that his pawnshop is simply a place for taking in and giving out the pledges.

3856. Would it not be a benefit to the man who was pledging goods if the pawnbrokers could sell them for him, if he got a price that was satisfactory to the pledger, and they were *bonâ fide* sold in open market to customers?—If once you allow a principle of that kind, the spirit of pawning departs entirely.

3857. But is not the specific transaction a benefit to the person who pledges the goods?—It might be.

3858. The specific circumstance of having an article sold to a customer for him for its full value in the market, with his consent, must be of necessity an advantage to him, must it not?—That I do not know, because you would have put away a party's stock in the pawnshop for relieving some immediate want. I do not suppose the pawnbroker would give him more than cost price.

3859. That would depend upon the bargain between them, would it not?—Just so; but I think that that is likely to be the end of the transaction. It would be cost price to the shoemaker, a profit to the pawnbroker, and a new ticket for what was left.

3860. You are right. There seems to be this provision in this Act: "Nor shall any such person taking or having any goods or chattels in pledge make, or cause to be made, any contract or agreement with any person or persons offering to pledge or pledging the same with the owner or owners of the pledge, for the purchase, sale, or disposition of the said goods and chattels before the expiration of one whole year from the time of pawning or pledging the same"?—That is what I referred to.

3861. Then the Act seems to prevent two people who are perfectly intelligent from making an arrangement for their mutual advantage to sell the goods?—The Act strikes at that.

3862. Have you known cases where the names have been very illegibly written on the duplicates, leading to difficulties in the prosecutions?—I am sorry to have to refer to the Act so often without being able to give the Committee the clauses; but there is a clause which says, that on the tickets issued by the pawnbroker must be legibly written the name of the pledges, and also the name of the article, and whether the pledger is a householder or a lodger, and his or her address, as the case may be; and there is a penalty. In the event of its not being done, the party for prosecuting such cases, who is in Edinburgh the procurator fiscal for the burgh, would intervene, and cases of that kind are tried before the Justices of the Peace. Some months ago (within 12 months, I think, at any rate) a number of pawnbrokers were brought up in one day charged with this offence, and other offences, such as taking in pledges from children under the appointed age; and I recollect one case where an Irishman who had at one time kept a "wee pawn," and whose premises at that time were in Cowgate, one of the lowest localities in Edinburgh, was charged with issuing tickets not legibly written. A ticket was produced, and the clerk of the court attempted to read it and could not read it, and none of the gentlemen on the bench could read it. The pawnbroker himself was called forward to read it and he could not read it. His clerk was then called forward by him to read it, and she could not read it, and nobody has been able to read it yet. The "clerk" was a little girl that he called his "clerk." The result was that he was fined.

3863. Have you considered at all the expediency of not putting any name or address, or description on the duplicate which is given out, so that no person could know what the goods in pledge were, or deal with the pawn-ticket?—I think that the pawn-ticket cannot be too distinct, because you will observe that if a pawnbroker wishes to act wrongly, if he does not make the ticket clear and distinct, the criminal officers cannot trace the thief; they do not know where to go.

3864. If they got a ticket, and had the right to obtain information from the pawnbroker, they would only have to send to know what the article pledged was, would they?—But they would not get the thief if the ticket was so written that nobody could read it.

3865. They only get the ticket by finding it on the thief or in his custody, do they?—A great number of tickets are sold; parties commit a theft, and pawn the article; they may not get as much at the pawnshop as they would get by selling it, but it is a ready market.

3866. Would not that facility be prevented if the articles were not specified in the tickets, so that the purchaser could not purchase the ticket in that way?—I do not see of what use the ticket would be unless the article was specified in it. It is a duplicate of what the pawnbroker has got, and without the name of the pledger how would you know what it is pledged for, supposing the pledger died the next day.

3867. Mr. *T. Hughes.*] If you had the ticket you could go and say, "I wish to redeem that pledge," could you not?—Yes.

3868. That throws it upon the pawnbroker to produce it, does it not?—I do not see how, unless the name of the pledger was on the ticket, the pawnbroker would know what you came for; he might know by the number.

3869. *Chairman.*] The business of the Post Office is done upon that principle in remitting money, is it not; disclosing the name and address in

the money order?—But there is a letter of ice.

3870. The person into whose hands the money er arrives does not, on the face of the order, get name and address of the sender, does he?— but I think that every one of those transac- is is done by numbers.

3871. We assume that there would be a cor- ponding number or indication on the ticket, would it not be a protection not to have the ne and address on the duplicate?—I do not that it would be any protection. It might vent people purchasing pawn-tickets, but I do see any other good which it could effect.

3872. Mr. *T. Hughes.*] What is the meaning "wee pawn;" is it an illegal pawn?—It is an gal pawn; a man opening a shop and lending ney on goods without any licence at all.

3873. Then he can be prosecuted criminally, he not?—He can.

3874. Is that system still in force in Edin- gh?—It was carried on very largely in nburgh at one time, but it is not so prevalent ; the police have, to a very great extent, put own.

3875. Mr. *C. H. Mills.*] You said that the ne amount was pledged every week, did you ?—Perhaps nearly the same amount; I say t the average amount of the pledges of the rer classes at the pawnshops would be about weekly.

3876. You attributed pledging to the payments he tallymen gradually reducing the working ses, and you said that that must go on increas- the amount they pawn; what did you mean that?—Of course, they will go and come, and l rise and fall, like others.

3877. But the weekly payments are fixed pay- nts, are they not?—Yes.

3878. If they absorb more of their wages than y actually want they must every week be reasing in the amount they pawn, I suppose? Yes, they are; and I believe they are often ven to terrible straits to meet those emer- ncies.

3879. Mr. *Orr Ewing.*] You say that the rking men of Edinburgh are in receipt of good ges, and do not do business with the pawn- ps?—The great bulk of them are, and do .

3880. I suppose it is the poorest and most im- vident classes who deal with them?—Yes, nerally what are known as the lapsing classes; ple gradually sinking.

3881. The generally vicious and intemperate? Mostly.

3882. Do you know how many pledges there in Edinburgh in a year?—I do not know; t I know that there are from 32 to 34 pawn- kers in Edinburgh.

3883. You do not know the statistics of the siness?—I could give it as second-hand infor- tion but I do not know it of my own know- ge. There was a lecture delivered by Mr. omas Knox, a justice of the peace in Edin- gh, a man who is much respected, who gave t information in his lecture; he says that the siness done monthly in Edinburgh in low dges, under 10 *s.*, is 110,000.

3884. Can you tell us what the average value pledges in Edinburgh is?—No, but I know t there are, I would say, five times more low pledges than high ones, and perhaps more than that.

3885. What do you think is the effect of pawnbroking upon the lower portion of the community in Edinburgh?—I believe that they become poorer, and I believe that the man who gets their means is gradually becoming richer; I believe that the effect of pawnbroking upon the poor is to sink at last into pauperism those who indulge in it.

3886. You think that the influence of it is evil?—Certainly.

3887. And almost in no instances good?—I never knew anything of which it could not be said that there was some little good in it; I believe that there are times when even drunken people who make a practice of pawning for the purpose of getting whiskey, may pawn an article for a proper purpose.

3888. At all events, have you made up your mind that pawning for sums below 2 *s.* 6 *d.* should be illegal?—I have made up my mind that if it were possible to do away with pledges below 2 *s.* 6 *d.*, it would be a great boon to the lower classes, provided that those pledges were made up of only one article.

3889. Mr. *Plimsoll.*] You have spoken of the money raised for the purposes of drinking as being raised for an improper purpose. Perhaps it would be better that they should not have the money for that purpose, but has it not occurred to you that all that money has to be taken back, and something with it, to the pawnbroker, shortly afterwards, so that if you deprived the pledger of the opportunity of getting the money by pledging, at least he would have the money with which he afterwards redeemed the pledge?—I scarcely understand the question.

3890. Mr. Alderman *Carter.*] You speak of the practice of splitting the pledges, are many of the pawnbrokers in Edinburgh accustomed to split pledges in the way that you have detailed to the Committee, with the view of extorting from the poor people more than they would otherwise get?—I do not know how many make a practice of doing it, but I believe that I shall speak within the truth when I say, that every pawnbroker who is now a licensed pawnbroker, and who has hitherto kept a "wee pawn" shop, is in the habit of doing it.

3891. How many of those are there in Edinburgh?—I do not know, but I know two myself.

3892. You think that a person who has kept a "wee pawn" shop would not deal honestly as a pawnbroker?—I will give you a case which came under my own personal knowledge. There is a man who kept a "wee pawn" shop in a village called Stonebridge in Edinburgh, and he is now a licensed pawnbroker in that same village; there was a woman who got into difficulties, and required to raise 5 *s.*, and to get the 5 *s.* she carried a satin dress to this pawnbroker; she was unable to redeem it by the time the 12 months had expired, and she got it what is called "marked," and secured it for another three months; when she went back to redeem the dress, the pawnbroker told her that she had been tampering with the ticket, and that he had sold the satin dress, and he said that she could not get it. By my own advice she summoned him (because she had the ticket) to the justice of the peace court, where to her astonishment, the pawnbroker produced this

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satin dress, and gave it up to the woman by the order of the justices. He had already said that it was sold. He is a licensed pawnbroker at this hour in Edinburgh, who kept a "wee pawn" before he got a pawnbroker's license.

3893. Is that one of the two of whom you spoke?—Yes. Another who does it is the man who said in the Justices of the Peace Court that he could not read writing.

3894. You spoke about the privilege of inspecting the pawnbroker's books; is not that privilege restricted to pawns above 10 *s.*?—Yes, I think it is.

3895. Is not a pawnbroker bound to keep those pledges above 10 *s.* in a separate book, and separate and distinct from all other pledges?—Yes; but you will observe that it gives any inquisitive man who may say he wants to see what his article was sold for, the power to see all the articles sold in that month.

3896. He may see an article above 10 *s.*, and all articles which may happen to be in that book, but that does not give him the privilege of inspecting the pawnbroker's book, because it merely refers to the pledges which happen to have been sold by auction?—Clearly.

3897. Colonel *Beresford.*] With regard to the division of the clothes, is the sum lent divided over the three articles, or is a lump lower sum given for the three articles?—It is divided over the three articles, and by that the pawnbroker gets three separate interests.

3898. But he divides the money?—Yes.

3899. Is it a common practice for working men to send their Sunday clothes as you call them to be pledged week after week all through the year?—I know women in Edinburgh, not a few who go as regularly to the pawn shop every Saturday and every Monday as the children go to school.

3900. Then at the rate of 3 *d.* a week the 5*s.* borrowed would cost 13 *s.* in the year, would it not?—Yes.

Thursday, 14th July 1870.

MEMBERS PRESENT:

Mr. Richard Arkwright.
Mr. Ayrton.
Mr. Alderman Carter.
Mr. Crum-Ewing.
Mr. Thomas Hughes
Mr. Charles Henry Mills.
Mr. Plimsoll.
Mr. Orr Ewing.
Mr. Whitwell.

THE RIGHT HON. ACTON SMEE AYRTON, IN THE CHAIR.

Mr. FRANCIS TURNER re-called; and further Examined.

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3901. *Chairman.*] HAVE you any observations to offer upon the section of the Act relating to the forfeiting of pawned goods at the end of the year?—Yes. As regards goods above 10 *s.* it is clear that the pawner has the right to redeem, and the right to the surplus on sale; but on the wording of this Statute there is a doubt as to whether goods under 10 *s.* are or are not absolutely forfeited. Taking this section and the 20th section together, I think it is quite clear that after sale the pawner has no right to expect an account of that sale, because the matter would be of such small value that it would not be worth while to keep the rigid account which is required as to other pledges; the expense would be too great. But a doubt arises as to whether a pawner, going on the day after the year has expired, the pledge being still in the pawnbrokers' possession, is entitled to demand that pledge on the payment of the principal and interest. By the common law undoubtedly he would be so entitled, but on the wording of this section there is a doubt, and manifestly a doubt, which Sir Thomas Henry shared, as I gathered from his evidence, which I heard when the Committee last sat; and I know that it is pretty generally acted upon in practice. The notion is that there is an absolute forfeiture of goods under 10 *s.* My view of the law is, that it is not so; but if that be so, I should suggest that it would be desirable expressly to point it out by legislation, rather than leave it to implication, as it is now. You will see that the 17th clause is, "That all goods and chattels which shall be pawned or pledged shall be deemed forfeited, and may be sold at the expiration of one whole year, exclusive of the day whereon the goods and chattels were so pawned as aforesaid, and that all goods and chattels so forfeited, on which any sum above 10 *s.*, and not exceeding 10 *l.*, shall have been lent, shall be sold by public auction." That prescribes the mode of sale, but it does not, to my thinking, take away the pawner's common law right to redeem, supposing the pledge to remain in the pawnbroker's custody unsold.

3902. The difference would seem to be, then, according to your view, that goods under 10 *s.* may be sold by private contract when forfeited, but that goods above 10 *s.* must be sold by public auction, but that the legal incident as regards the goods is precisely the same?—Yes; and then the 20th section prescribes that the pawnbroker shall keep an account, and so on.

3903. That is merely with a view of carrying out the principle of the 17th clause, I presume?—Exactly; after the sale the pledger loses, I think, his right to the low pawns; but before the sale, I think, his right remains; but if it were thought better to take away that right, it is better that it should be done in express terms than that it should be, as it is, by implication.

3904. What is your opinion with respect to sections 18 and 19?—Those sections direct that certain goods shall be sold separately, and they direct that, on notice being given, the pawnbrokers shall retain the goods for three months. This hardly seems to me to be necessary now. I think that, as to the 18th clause in country districts, that is practically a dead letter, although in London I know that it is not so. Then, as to the 19th clause, giving a three months' period of grace; that is, of course, subject to the same remark as I have made as to the daily periods of grace in regard to months.

3905. It makes everybody pay something, as it were, for a speculative right, instead of everybody paying for his own bargain if he wishes it? Just so.

3906. Your view is that if he wishes to make a new contract for three months' more, he ought to come and pay for it?—Yes, quite so; all those things tend to complicate the dealings between the parties. Of course the theory in all those provisions is, that it is necessary to take special care of the pawner.

3907. Then, would you have it left precise and absolute, so that each party should have a definite position?—Yes; and you might have the three days of grace as I suggested, with respect to the other matter.

3908. What should you suggest with regard to the 20th clause which relates to the keeping in a book an account of the sale of the goods by a pawnbroker?—The only thing which occurs to me upon that is that the pawnbroker should, I think, have expressly given to him the right of retainer or set off, so that if he has two pledges from the same person, and both those pledges have been sold, on one reading this section the pledger has a right to come and inspect the books, and if he finds a surplus on one and a deficit on the other, he is entitled to demand from the pawnbroker the payment of the surplus and leave the pawnbroker to get his deficit how he can. Of course the pawnbroker's right to the deficit remains at common law, and the pawnbroker could

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could sue the pawner for that deficit, and the pawner would be undefended with respect to it. Therefore, no injustice would be done by expressly giving the pawnbroker the right of set off.

3909. Does the legal right of set off seem to be taken away by this section?— My notion is that it is not; but very recently, at Bow-street, before Mr. Vaughan, Sir Thomas Henry's colleague, the question arose, and Mr. Vaughan held that, although on principles of abstract justice there was no objection whatever to allowing the right of set off, yet he thought that the words of the Statute made each transaction separate and independent.

3910. Does the statutory set off apply to proceedings before magistrates?—His view was that it did not.

3911. That is generally admitted, is it not, by the law?—I should hardly go so far as that.

3912. Is not the law of set off a statutory law?—Yes, applying to all cases of mutual credit in the same rights.

3913. Does not that apply to proceedings before magistrates?—I am not aware that it has been held that it does not; and my theory would be that, as this is substantially for the recovery of a debt, all ordinary incidents regulating debts between parties would apply.

3914. Then, in your view, the magistrate's decision was wrong?—It is so, and the matter stands for argument before the Court of Queen's Bench, being still *sub judice*. I may say that different magistrates in the metropolitan district have come to diametrically opposite conclusions about it.

3915. You would have that cleared up, and if a party had had several dealings with a pawnbroker, you would have all those dealings thrown into a general account, the same as in ordinary dealings between bailees and mortgagees?—Yes. It seems to me, that if the pawner can pay, it is doing him a service rather than otherwise, to allow the pawnbroker to retain what the pawner is bound to pay, and to do it without the expenses of legal proceedings; because he has only to take out a summons in the county court. Provided that he has the pawner's address and can get at him in that way, he would get the money without any difficulty; but at an additional expense to the pawner.

3916. Your view of the law would carry the thing much further, because, if you put it on the same footing as the transactions of ordinary bailees of this kind, whenever there was a surplus, and the pawnbroker had any goods in pledge, he would be entitled to hold the goods in reduction of the loss on the other pledge, would he not?—No; because the surplus or deficit is not ascertained until after sale. It does not go so far as to allow the principle of tacking the security.

3917. Bailees of goods generally have the right of tacking, have they not?—That is a matter of usage. In some cases the bailee is entitled to retain for a general balance, and in others only for a particular balance; but with regard to all the realised balance in the pawnbroker's hands, say from half-a-dozen sales, I should say that the ordinary doctrine of agency would apply, and that he, having recovered a certain sum by strictly following on the pawner's interest the requisitions of the statute, would be entitled at common law, and apart from the words of this statute, to retain the balance in satisfaction of his debt *pro tanto*.

3918. With reference to clause 21, prescribing that the pawnbroker is not to purchase goods which are in his custody, has your attention been drawn to the provision in it which prohibits the pawnbroker from making any disposition of the goods whilst he holds them in his custody, though the pawner himself is not in a position to be the purchaser of the goods?—The intent is undoubtedly to prevent any evasion of the Statute, and to prevent any temptation on the part of the pawnbroker to violate his trust. The sale must be that of the pawner, but not of the pawnee.

3919. You mean that the pawner may sell his duplicate if he pleases, but he cannot have the goods sold through the agency of the pawnbroker during the 12 months?—Not through the agency of the pawnbroker; but I can see no objection to a transaction of this kind: the pawner comes into the pawnbroker's shop with his duplicate, bringing with him some person who wishes to purchase the goods; let those two come to any bargain they may wish to make about it.

3920. You will observe that this could not be done according to this Act, because the words are, that not merely "taking," but "having" any goods, he shall not make any disposition of them except by the act of the redemption of the pledge?—The words of the section are, "make or cause to be made, any contract or agreement with any person or persons offering." The pawnbroker simply standing by would not make, or cause to be made, any contract; he would simply produce the goods to the pawner, as he would be bound to do, and the pawner, and the purchaser from him standing by, would make their bargain.

3921. I wish to call your attention to the language of the section, "Nor shall any such person taking, or having any goods or chattels in pledge, make, or cause to be made, any contract." Surely it would be a violation of that law if the pawnbroker were having the goods in pledge, to be a party to a contract by which the pledger came there and caused the goods to be sold to third parties?—I do not think it would.

3922. Mr. *T. Hughes.*] At any rate, it is quite clear that the best way would be to allow the pledger to redeem, if he wishes to do so, and comes with a friend, and that leaves the present law as it stands, and is more simple, is it not?—That is so.

3923. *Chairman.*] Have you had your attention drawn to the French law, by which exactly the reverse is thought to be for the protection of the pledger, namely, that he should be at liberty during the duration of the pawn, to give notice to the pawnbroker to sell the goods for his benefit?—I have not had any special attention called to it.

3924. Which do you think would be the better arrangement, to keep this prohibitory law, or to introduce the French law?—I have not considered that.

3925. Does any question arise as to pledges not being taken from persons under 12 years of age?—I think the age should be uniform throughout the country; it is one age in London by the Police Act, and another age in the country, by the Pawnbrokers' Act.

3926. What limit of age would you suggest?—Perhaps, fourteen.

3927. Have you anything to add upon the clause requiring a pawnbroker to place a table of profits in the view of the parties?—I think we have

ve anticip ated that in what I said as to placing e table upon the duplicate.

3928. Then you would have such a table as ople could clearly understand, and could im- diately apply the same as on the duplicate?—es.

3929. I think you desired to make some ob- rvation on clause 28?—Clause 28, as to urchwardens and overseers prosecuting, seems rdly necessary now; that is almost in total suse, I think.

3930. *Chairman.*] Clause 29 which disables tain persons from informing has been virtually pealed by the Evidence Act, has it not?—It has.

3931. With regard to clause 30, which enacts, at the Act ought not to extend to persons lend- g money at 5 per cent. without further profit, ve you any observation to make?—Of course, at was passed during the existence of the usury ws.

3932. That becomes unnecessary now, does it t?—Yes.

3933. Have you any observations to make with gard to clause 31?—You will find in many aces in the Act that this is repeated as it were. is said again and again of the executors, admin- rators, and assigns, and so on. That is by the neral clause, and then there are repeated actments to the same effect in the body of the ct itself. The Act might be very much short- ed if the penalties were put into one clause, or to a schedule.

3934. Have you considered the question, now at we have instituted county courts capable of aling with all transactions under 10 *l.*, whether is desirable that the magistrate should have risdiction, or whether those cases should be eated as civil cases and disposed of in the county urts?—Where the object is simply for the re- very of money and goods, I think there would e great advantage in sending such cases to the unty courts, because, then you would get rid of l the difficulty of conflicting jurisdictions; and the county courts this question of set-off, of hich I speak, might be raised.

3935. Is this an exclusive jurisdiction given to ie magistrates?—No, it is not an exclusive risdiction.

3936. At present the county court has juris- iction as well as the magistrates?—Yes, but no wner having any cause to complain of a pawn- roker goes to a county court; he would go to a agistrate partly because it is quicker, and also ecause it is considerably cheaper.

3937. Mr. *T. Hughes.*] In certain cases the agistrates have criminal jurisdiction, have they ot, which the county court would not exercise?—Just so; therefore, whenever there is a penal lement in the offence charged, such as the im- roper detention of goods, that is quite proper o be within the jurisdiction of magistrates.

3938. *Chairman.*] Passing on to the Act of the 9th & 20th of the Queen, what observations ave you to make as to that?—Simply that that hould be incorporated with the new Act. That s the Act called "The Dolly Shop Act," for xtending the provisions of the Pawnbrokers Act o leaving shops.

3939. Do you understand that the effect of his Act, and the principal Act is, that no person, hough he be a pawnbroker, can carry on any usiness of lending money upon the security of oods deposited with him under 10 *l.*, except in he manner provided by those Acts?—Yes.

3940. Neither a pawnbroker nor anybody else has any option of carrying on business in any other way under 10 *l.*?—I think so. Of course it would not apply to a person lending money casually, as one friend might lend to another; but whenever there is a carrying on business, it would apply.

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3941. The definition, I think, is, that of exercising the trade or business?—Yes.

3942. Mr. *Whitwell.*] That is to say, he must "keep a house, shop, or other place, for the purchase or sale of goods or chattels, or for taking in goods or chattels by way of security for money advanced thereon"?—Yes.

3943. *Chairman.*] Single transactions by a person who has no shop can be carried on, I presume?—Yes. A question might possibly arise something like what occasionally occurred under the old Bankruptcy Act, whether a man was a trader or not; whether he had sold some trifling article for profit, and so brought himself within the definition of a trader; but I do not think that any case of that kind has ever arisen in practice.

3944. Have any questions arisen respecting the responsibility for preserving against fire, goods which are pledged?—Yes. At present the pawner can only insure his own interest in the goods, the amount of principal which he has advanced, and the accruing interest, the consequence is, that whenever there is a fire, the pawners lose their property altogether, and there is frequently a distress and complaint about it. I may say that I have been asked three times this week by professional friends with respect to a fire which has occurred, I think, somewhere in the east end of London within the last few days. At present it is utterly impossible for the pawnbroker to take any care of the pawner's interest in the thing pledged.

3945. How would you deal with that: would you make him absolutely liable for fire, and leave him to insure with a certain addition for the supposed margin?—I would make it optional to the pawner whether he should have his goods insured or not.

3946. But if it be optional with the pawner, how is he to fix a value for his goods?—It must be done, I think, in some such way as this: let there be an insured and an uninsured rate upon each pledge, the insured and uninsured tickets being of different colours, so that there might be no mistake about it. Then, if the pawner chooses to insure, let him have the option of doing so.

3947. But how is the value of his pledge to be ascertained?—I think he would have to declare it at the time of pledging.

3948. But would it be right that the person pledging should have a right to fix his own value without the pawnbroker having any opinion in the matter; might not that lead to very serious results?—It might; but, at the same time, there would be this safeguard against it: the higher the value that the pawner declared, the more he would have to pay; and it would not be like the case of a person insuring for a large amount for the express purpose of committing arson himself, because he would have to take the chance of some other person, whose interest was directly the other way, committing arson.

3949. Still it would involve all those difficulties?—It would involve those difficulties; the matter has been more than once considered, and I believe the fire offices themselves are very much

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much opposed to it, because they say that it would make so many openings for fraud; at the same time one hears so much of the sufferings of the pawners in such cases, that one wishes to see some plan devised for preventing them.

3950. Might not the amount insured be limited to some per-centage upon the amount advanced? —Possibly so; not exceeding, in any instance, double, as I should apprehend that the value of a thing pledged to the person who pledges it, is generally something like twice the money value advanced by the pawnbroker, with a view of selling it at second hand.

3951. Mr. *Whitwell.*] Then what security do you give to the pawner if the pawnbroker should not insure after having received a premium for insurance, and if a fire should come and destroy the property?—Then the pawnbroker would be absolutely liable.

3952. *Chairman.*] I suppose that the insurance office would take an insurance for 1,000*l.* from a pawner if he only borrowed a small sum upon it?—Yes, the insurance company might take large risks under special circumstances; but with the class of risks of which the majority of pawnbroking transactions consist, they would not be inclined to grant the policy.

3953. That would not apply to pawnbroking proper?—No.

3954. Mr. *Orr Ewing.*] Are there many fires in the year in the pawnbroking trade?—I am not aware; but my impression is that there are very few. Speaking simply from memory, I do remember reading of more than two; but I have never had them brought formally under my notice.

3955. It is not a very important question, is it?—Not as regards the number of instances; but whenever a fire does occur, one hears a wail from all the poor pawners in the neighbourhood.

3956. *Chairman.*] Have you considered the expediency of a provision allowing parties to make special contracts, apart from any general system of rules of pawnbroking?—I think there is a good deal to be said in favour of freedom of contract. At different times I have had under my notice (not in connection with pawnbroking) the difficulty which exists in disposing of bulky articles like furniture. From cases which I have known of warehousing furniture, it is manifest that the pawning rate is insufficient to cover the mere expense of warehousing, and therefore I think it would very often be an advantage to the pawner if he could make a special contract with a pawnbroker for that purpose; of course it is quite open to the pawnbroker to refuse to take them in, those bulky articles; and then, supposing that a man has a little furniture upon which he could raise money, the only thing that he could do with it would be to sell it outright to a broker, who would generally deal with him more hardly than a pawnbroker would, because it is the pawnbroker's interest to lend as much as he can, in order to make as large a profit by the interest as he can; in a sale, of course, a man has parted with his property altogether, and if he is better off next week than he was this, he must pay the retail profit upon the purchase of his own goods.

3957. Have you considered the best way of carrying out that opinion by legislation?—You might possibly start at a certain amount, and say that there should be no freedom of contract under 20*s.*, and then there should be some attempt at defining the class of articles with respect to which a special contract might be made. When you begin to consider the definition, then I admit that your great difficulties would begin; but you might say that an article of more than a certain cubical content should be dealt with by special contract.

3958. You would have, however, some sort of definition, like that which has been attempted in various ways as regards railway carrying and otherwise?—Yes, I quite admit that it is a matter of considerable difficulty, and that it would require very careful consideration before you could hope to frame a satisfactory definition.

3959. Do you know the provision in France by which persons are allowed to travel with a certain amount of baggage in their hands free? —We have something like that in England. Every third-class passenger is allowed 56 lbs. of luggage.

3960. That is his luggage; but I am speaking now of that which he is allowed to take himself free, apart from the weighted amount: are you aware that in France there is hung up in the railway stations, over the weighing place, a bag of certain dimensions, with a notice to the effect that you may take a package of that size?—I have never noticed that.

3961. Do you think that some attempt might be made at a definition on the principle of the Carriers Acts, or those Railway Acts which profess to regulate exempted goods?—Yes. Of course, it would be necessary to guard those special contracts in some way; and I think they should be exempt from stamp duty, or else if you make every one of them subject to a 6*d.* stamp duty, you will practically exclude all but practically large amounts.

3962. Mr. *Whitwell.*] Has your attention been drawn to auctioneers who, having periodical sales, receive goods during the interim, and make advances upon those goods; and do you consider that those persons are liable to the Pawnbrokers Act, and require a license?—That being a matter beyond 10*l.*, it does not come within the Pawnbrokers Act.

3963. But are you not aware that it is done under 10*l.* in all towns?—I hardly think that would be so. It might be a question of some nicety. On a number of facts taken together, it might possibly be held that the auctioneer had brought himself within the Pawnbrokers Act.

3964. Supposing that an auctioneer had given to him *bonâ fide* to sell in the course of his business two or three articles, and that he were to pay money on account of what they were to sell for, do you think that that would be a transaction within the Pawnbrokers Act?—Certainly not an instance of that kind; but there might be a course of dealing on the part of the auctioneer which would bring him very dangerously near the wind.

3965. *Chairman.*] If it was colourable for the purpose of making advances merely, and the goods were not delivered for present sale, do you think that it might come under the Act?—Yes.

3966. But if the goods were delivered for present sale, and money was advanced until the purchase money was received, then it would not be a colourable transaction?—No.

3967. Mr. *Whitwell.*] If an auctioneer advertises furniture sales, collecting goods in the mean time, advancing a certain portion on each article

rticle which comes into his possession, obtaining reimbursement on the sales, and paying over ne balance to the individual, would he have been ble to do that under the auctioneer's license hen it was payable, or must he have had a awnbroker's license?—I do not think that ould have come within the Pawnbrokers' Act.

3968. *Chairman.*] Have you anything else to dd with reference to these Acts?—It is a ques- on before the magistrates whether the pawn- roker himself should not be a competent and ompellable witness. The proceeding is in all ases against the pawnbroker, and it may very ossibly be that the pawnbroker knows nothing bout it; yet the pawnbroker being possibly in ne position of a *quasi* criminal, cannot give evi- ence.

3969. If a suit or question arose in the county ourt, he could be examined as a witness, could e not?—Yes.

3970. And because the suit is carried on efore the magistrate, he cannot be examined as witness?—Quite so.

3971. And you would have that anomaly leared up?—Just so.

3972. Mr. *C. H. Mills.*] With regard to the ate which you have suggested, of a halfpenny er month for each 2 *s.* up to 1 *l.*, that would be ncreasing the pressnt charge by 25 per cent., ould it not?—It would; only that the increased implicity, at any rate, for the smaller amounts, ould compensate for that.

3973. But might you not make it up to a half- enny on 3 *s.*?—Then it is not quite so con- enient an unit, I think.

3974. If you have a halfpenny on 2 *s.*, and 1 *d.* or the ticket besides, it makes a very heavy harge for a small amount, does it not?—It oes.

3975. That would, in fact, make it 50 per ent. instead of 40 per cent.?—Taking the harge for tickets all round, of course there is a onsiderable reduction.

3976. On transactions up to 1 *l.*, charging one alfpenny for 2 *s.*, would come to 5 *d.* instead of *d.*, and therefore it would be 25 per cent. in- rease upon the present charge, would it not?— t would be so.

3977. Mr. *Crum-Ewing.*] You are the stand- ng counsel, I suppose, of the Pawnbrokers' As- ociation?—No, I am not. My practice from he pawnbrokers is very small; and anything vhich I have said has been the result of my un- iassed opinion.

3978. I suppose you have come here at their equest?—I was requested to attend, and I nderstood that my name had been mentioned o the Committee as having written a book which ad been placed in the Committee's hands, and hat the Committee had expressed either a wish r a willingness that I should be examined.

3979. Your evidence is quite in accordance with the views of the pawnbrokers?—I do not, in any degree, speak as their mouthpiece, nor even by consultation with them or any member of their body. The suggestions which I have made out are my own suggestions, whatever value or want of value they may have.

3980. Mr. *C. H. Mills.*] Would there be any objection to the pawnbroker taking out a more open or general policy under which any pledger might claim to declare his goods?—It would have to be done in some such a way as that.

3981. The pledger, of course, paying a pre- mium upon the excess of the pledge over the amount which he wished to declare?—It would have to be done by a floating policy of that kind, and the insurance offices do not look very favour- ably upon that kind of policy.

3982. But it is freed from that chance of arson, as you have pointed out, because the person who has the interest cannot get at the goods?—That is so; nevertheless, I believe that the offices are not at all favourable to such policies.

3983. Therefore the rate of insurance probably would be very high?—I think very probably it would.

3984. Mr. *Orr Ewing.*] I understand that you are against freedom of contract below 10 *l.*, except as regards bulky articles?—Yes; I think on the whole the balance of testimony is that way.

3985. And you are in favour of freedom of contract with regard to bulky articles, because the present rate charged for them does not pay for the storage; is that so?—Exactly so, and therefore I believe they are seldom taken as pledges by pawnbrokers; but in cases apart from the pawnbroking which have come under my notice, I find that the mere charge for ware- housing is very much greater than the pawn- broker's charge for interest. I have one case in my mind at the present moment, where a good house of furniture, better than that of most pawners whose cases we are now considering, was stored, and I think in six months 50 per cent. of its value, or some very enormous proportion of its value, was eaten up by the mere charge for warehousing.

3986. Was it put in the hands of a pawnbroker? —No, it was merely stored and the charge for storage was enormously in excess of what the pawnbroker's charge for interest would have been.

3987. Was that by contract?—There was no special arrangement before the depositing or storing, and the depositee therefore charged what he thought reasonable. There was a dispute about the amount, and as is general in such cases, there was a quantity of evidence from the par- ticular trade to show that the charge was per- fectly reasonable.

3988. Was it taken into court?—It has not been taken into court, but it may be possibly.

3989. Do you not think that that was a robbery?—It was an exceedingly high charge, but the way in which it is put is this: those goods take up so much room; that room, if other- wise occupied, we could do such and such things with.

3990. What was the value of the furniture?— It was worth about 200 *l.*; that was the new value.

3991. I suppose that 200 *l.* worth of furniture would be stored in a room, not a tenth part of the size of the room in which we are now sitting?— I have not seen the room; it would depend upon the way in which it was packed.

3992. Then one of your reasons for supporting the better payment of the pawnbrokers is because 50 per cent. is charged for storing furniture in six months?—I do not quite say that; in the first place I say that I do not bind myself to the 50 per cent. I say that the charge was a very high one, but I do not pledge myself to the exact amount. Then I say that that is one case which has come under my knowledge; but I do not mean to say that such a charge is usual.

3993. I think, from your evidence at all events,

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it appears that, as the rate which the pawnbrokers get just now for storing furniture is not equal to what would be charged by a mere storekeeper we may assume that you would consider that the rate allowed for bulky articles should be double what it is; 20 per cent. for storing and 20 per cent. for interest?—I have not considered the exact amount.

3994. I think your evidence goes to show that the pawnbrokers do not get so much for interest as would pay for storing; and, therefore, if they were to get what they should get for storing and interest, besides, it would amount to 40 per cent.?—I do not pledge myself to 40 per cent.; I say that there must be some extra charge for storing, and that I should say the parties might be left to settle between themselves. I do not pretend to say what the amount would be. If you take a man's watch, for instance, the warehousing of that is a very small matter; but if you take a chest of drawers it is a very serious matter.

3995. You say that the pawnbrokers have no doubt the power to refuse it?—No doubt.

3996. And your evidence is on behalf of the party pawning; that if the pawnbroker refuses the pawner has no other recourse, if he wishes to have the money, than to sell?—Exactly.

3997. But you say that the person purchasing would deal hardly with him?—Yes, at least, so far as I have had an opportunity of observing.

3998. That party purchasing has freedom of contract, has he not?—No doubt.

3999. And you say that he would not do full justice to the party selling?—I do not say that; I say that it is more for the interest of the person who wants to raise money for a temporary purpose, that he should be free to pledge as he is now free to sell. By refusing freedom of contract in making a pledge, you do not prevent freedom of contract altogether, because you do not exclude the owner of the property from selling it. My observation goes to this: that by refusing to allow freedom of contract to the pledger you drive him to sell, and therefore you put him in a less advantageous position than he would otherwise be in.

4000. Then, although they do business with a gentleman who has freedom of contract, you have no confidence that that gentleman having freedom of contract would do justice to the person selling?—Each man makes his own bargain; but there is no friendship in business. There is this difference, that the purchaser acquires an absolute property in the goods, whereas, if the goods be pledged, they remain the property of the pledger, and supposing that the pledger does not get so large an advance as he is intitled to, it is all the easier for him to pay it back; but if he once sells the goods for less than they are worth, all his claim to them is gone.

4001. You say that parties purchasing under those circumstances would deal hardly with the seller; is it not the fact, that the pawnbrokers advance on every article according to the value which it will bring in the market?—No doubt.

4002. Then do you think that any person dealing with a pawnbroker, or dealing with a man who is under freedom of contract, would be placed in a worse position?—That is a matter of practice about which each man must, of course, be guided by his own observation. I can only say that, from such matters as have come under my notice, the forced sale to a broker is much less advantageous to the person wanting money for a temporary purpose, than a transaction of pledge.

4003. Mr. *Whitwell.*] Do you not think that you have exhausted the subject, and that all you want is to get an additional number of persons introduced who shall make a bargain under freedom of contract?—That is all I advocate.

4004. Mr. *Orr Ewing.*] Are not all auction sales of pawnbrobers forced sales?—Yes; but the pawner has 10 or 15 months to turn himself round, and find means to redeem the pledge. Evidence has been given before this Committee to show that 95 per cent. of the pawners do redeem within the time. Therefore, while 5 per cent. of the persons might suffer, 95 per cent. would be benefited by it.

4005. But do you not think that when a party is obliged to raise money upon an article upon which he is paying 40 per cent. interest, it is better to sell it at once?—I think it should be left to the party to elect which is most to his interest. By allowing him to pledge you do not take away his right to sell, but you give him an additional remedy.

4006. Do you not think that people often get into difficulties by a false hope, which is never realised?—I am afraid that is so.

4007. Do you not know that gentlemen of landed property who get into difficulties and begin borrowing, and paying 5 per cent. for their money, sometimes find that they exhaust their principal, and have to sell their estates?—Yes; but they would feel it a very great hardship if you said, "You shall sell your land and not mortgage it."

4008. Mr. Alderman *Carter.*] Taking this principle which you have just been arguing, if it was carried out according to the idea of the honourble Member for Dumbarton, that is to say, that it is dangerous to lend money for fear that it should have evil consequences, it would stop pawnbroking and mortgaging altogether, would it not?—Yes.

4009. Supposing that that principle were to be applied to the working classes, do you not think that it should be applied to the upper classes as well, so as to prevent a man borrowing money on his estate?—Certainly.

Mr. Robert Bruce Johnston, W. S., called in; and Examined.

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4010. Mr. *Whitwell.*] I believe you are a Writer to the Signet and Procurator Fiscal to the city of Edinburgh?—I am.

4011. Will you inform the Committee what are your special duties as Procurator Fiscal, so that they may be acquainted with the circumstances under which you have been brought into connection with the pawnbroking trade?—I am Procurator Fiscal, or Public Prosecutor, in Edinburgh in all criminal cases of more importance than mere police cases; but I am also Procurator Fiscal in the Justice of the Peace Court, and under the existing Pawnbrokers Acts any prosecutions against pawnbrokers for contraventions, have proceeded at my instance as prosecutor in the Justice of Peace Court.

4012. Then, do all breakers of the law under the Pawnbroking Acts in Edinburgh come under your

our notice in one way or the other?—I can arcely say that; I should think that a very nall proportion of them ever come under my tice; and I have only prosecuted in those ses which have incidentally been brought under y notice as public prosecutor in criminal mat- rs. I have never prosecuted any pawnbroker cept when a contravention came under my tice incidentally as prosecutor in criminal tters.

4013. Mr. *Orr Ewing.*] That is to say, the wners would never give any information when ey had been imposed upon?—I cannot say that her. I have had several complaints made by wners, but the difficulties attending prose- tions in such cases are so great, that I have ver taken up any of them.

4014. Mr. *Whitwell.*] Will you define more rticularly in what cases you are engaged in nich the Pawnbroking Acts come under your tice?—Cases of theft and robbery.

4015. In those cases of theft are the pawn- okers often brought into court?—Not so fre- ently in Edinburgh as appears to be the case in lasgow from the evidence of a previous witness, think Mr. Hector, but they are to a great ex- t.

4016. Do you find that in Edinburgh as in ner places stolen goods are habitually taken to wnbrokers?—I am quite satisfied that they are a very great extent.

4017. In the prosecutions in which you are gaged, the pawnbrokers you say are not often lled as witnesses? — Whenever the article len has been recovered from a pawnbroker, he his assistant necessarily is a witness; there are ny cases, however, in which incidentally it trans- res that stolen property has been pledged, but that len property may not be the subject of the pro- cution then under investigation, in which case course the pawnbroker or his assistant is not a tness.

4018. The chief police magistrate for London e other day stated, that never a day occurred which pawnbrokers or their assistants were t called as witnesses in cases of larceny before m; I suppose that does not occur in Edinburgh the same extent?—I believe it does in the lice court, but of that I have no cognisance. ll cases are remitted from the police court to e as procurator fiscal, in which two previous nvictions have taken place, and also all serious ses; but all the thefts when the conviction is for first or second offence, and more petty offences, finally disposed of in the police court, and I ow nothing of them.

4019. Do you consider from your position as ocurator fiscal, and from your acquaintance with e law, that there are certain parts in the law nich require alteration?—I do.

4020. Will you point them out?—I may state at I have had considerable opportunity of ob- ving the practical working of the pawnbroking stem in the capacity which I have mentioned, d particularly in its bearing upon the social d moral well being of the community. I, my- f, believe that next to compulsory education, ere is no measure which will have greater effect diminishing intemperance than the prohibition all small pledges.

4021. To what amount would you limit the wer of pledging?—Personally, I think it would no harm to any class of the community if you were to prohibit all advances under 5*s.*; but I would be content if 2*s.* 6*d.* or 3*s.* were made the minimum.

4022. On what grounds do you recommend so great an alteration in the law?—For one reason, I think that no one's necessities can be so great as that they can possibly be relieved to any ap- preciable extent by so paltry an advance as 2*s.* 6*d.* I am quite of opinion that the pawn- broking system is a great benefit to the country at large, and is a necessity. If rightly worked, it is a benefit even to many of the better classes, and it is a benefit to the labouring poor; but if there is any honest and industrious person who requires an advance because he is temporarily out of em- ploy, I cannot conceive that he has not at least so much property as will enable him to ob- tain an advance of more than 3*s.* Of course I do not speak of England at all, and I believe to a certain extent the habits of the people differ from those in Edinburgh, but in Scotland there is no doubt that criminal authorities know well that the great bulk of the advances obtained under 3*s.* go to the public-house, or is the produce of stolen property.

4023. That is a conclusion which ought to be based upon information or evidence, ought it not? —If you mean statistical information, I think it is impossible to obtain it. I come to the conclu- sion for this reason: I observe that previous wit- nesses in London, especially in the trade, have commented upon the actual proportion of the stolen property which has been recovered, or rather which, as they say, has been pledged with them during a certain period. One gentleman, Mr. Dicker, says, that out of 1,334,011 pledges in seven years, 53 only were cases of stolen pro- perty; and another——

4024. Would you state that the relative pro- portion of stolen property pledged in Scotland was very much larger than what it is represented to be in England?—Certainly, and for this ob- vious reason; those figures are given as the result ascertained only by the amount of stolen pro- perty recovered. That forms an infinitesimal proportion of the actual stolen property pledged. I argue in this way; it is well known that the vast proportion of cases in which information is given to the police, is not followed by a conviction; in other words, in Edinburgh, in cases in which information has been given to the police, only about 20 per cent. result in convictions. In addi- tion to that, from general observation as public prosecutor, I am quite satisfied that there is a very large number of cases in which no information is ever given to the police, for various reasons, either because the fact of the theft is not dis- covered by the owner of the property, or being discovered, he will not be bothered in the mat- ter, or does not wish to expose the delinquent, and declines to give information ——

4025. Do you mean that the pawnbrokers of Edinburgh refuse to give information?—Cer- tainly not; I make no imputation against them; I speak of the party whose property is stolen; and it is well known that a great proportion of articles which form at least the subject of small pledges, are un-identifiable, and cannot be distin- guished from others, and therefore cannot possibly be recovered from the pawnbrokers; we have such cases constantly before us.

4026. Might it not be a natural conclusion, that if only 20 per cent. are convicted, those arti- cles are not pledged at the pawnbrokers, but are

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disposed of another way?—Not necessarily for the reasons which I have stated.

4027. Are there not a number of receiving shops in Edinburgh which receive those small articles?—There are what are called small brokers, or "wee pawns," but by the Act of the 19 & 20 Vict., as I read it, they are in the position of pawnbrokers, and are subject to all the provisions of the Pawnbroking Act. By the Police Act they are not bound to keep those goods for more than seven days, and in point of practice they very seldom do so; so that you will see that there is a very small opportunity for recovering those articles.

4028. Are a number of those "wee pawns" still in existence in Edinburgh?—A great many.

4029. Alderman *Carter.*] The police have the power of informing the pawnbrokers, and examining the pawnbroker's goods; does not the very fact of their going to the pawn shops give facilities for the finding of stolen property?—In cases where the article is easily identified, certainly; but those cases form, in my humble opinion, a small proportion of the articles pledged with the pawnbrokers.

4030. Mr. *Whitwell.*] Must the Committee draw this conclusion from your evidence, that the number of articles discovered being only 20 per cent. of those stolen, that is a reason why so many of the small articles pawned are the results of robbery?—No; I think you misunderstand me. I do not mean that that conclusion should be drawn. What I said was, that the per-centage of cases in which informations have been given to the police, and convictions have followed, is not large, being in Edinburgh only 20 per cent.; but besides those, there is good ground for believing that there are many cases of theft none of which come to the knowledge of the police, and some of which are never discovered even by the owners of the stolen property. I shall instance a case which came under my knowledge only yesterday. A criminal officer in plain clothes happened to be in a pawnbroker's shop when a young man came in and pledged two silk handkerchiefs. They seemed to the officer to be quite new, and he remarked a look of hesitation about this young man, and followed him, not by any means coming to the conclusion that they were stolen. When the young man got out of the shop he tore the ticket, which of itself was not a very good feature in the case, and so the officer followed him. In a few minutes he entered a large haberdasher shop and put off his cap, showing that he was one of the assistants in the shop. The officer went in, and spoke to the master, and the young man was taken aside by the master. He denied all complicity in the affair, but he was then brought before the officer, who stated that he had seen the thing; and the young man then broke down and admitted it. Now that, as I say, is a case of a theft, which never, but for that mere accident, would have come to the knowledge of the owner of the property, and there are many of those cases. I believe that, generally speaking, the instances of the more valuable description of property being pawned, especially where the articles can be easily identified, are not numerous, such property being usually disposed of to resetters, in a more secret and effectual way. But there is an immense number of articles which can be as safely and easily disposed of in the pawnshop as in any other way, namely, all common articles which cannot be distinguished from others, such as blankets, pieces of cloth, various articles of body clothing, tools, &c. Many of those, no doubt, are stolen and pawned, and I say that, from the experience which I have had, and which enables me to conclude that there are, in point of fact, many cases of stolen property in which the articles find their way to the pawnshops, and no information is ever given to the police, or no thief is ever taken, and no conviction is ever obtained.

4031. You remark that the conclusions which you are now drawing are very different from what would be drawn in this country; the articles which are pledged are generally pledged by the lower classes, comprising those special articles to which you have alluded, but they are pledged by themselves; does the robbery of those articles, by one workman from another, exist in Edinburgh to the extent which you describe?—I do not say that by any means the larger proportion of such articles as I have described are stolen; very far from it. I think that a far larger proportion are pledged by the lowest classes, the idle and intemperate, solely for the purpose of obtaining drink.

4032. Do you propose that there should be no article pledged under 2*s.* 6*d.*, because the articles pledged under 2*s.* 6*d.* are generally stolen articles, or articles pledged for the purpose of obtaining liquor?—Very much more for the latter. I wish that to be understood. I do not mean to say that there are very many stolen articles pledged, but that there are many, and more than some witnesses here seemed to imagine.

4033. Are you so far acquainted with the wants of the poor as to know that many a poor man is obliged to go to a pawnbroker, and pledge an article for a sum under 2*s.* 6*d.*?—I cannot say that I speak there from personal contact with the poorer classes; but I cannot imagine such a case unless under very peculiar circumstances; and then I come to the conclusion which I have stated, from my knowledge of the fact, that in the great majority of those cases the produce of the pledge is at once taken to the public-house. I have that from criminal officers, who are coming in contact with the poor every day.

4034. That is one of the changes which you would propose; what other change would you suggest in the law?—I think that that of itself is not sufficient, unless you have some check in the form, say, of an inspector. I think it would be a very valuable thing to appoint an inspector under this Act. You have inspectors under the Factory Acts and Workshops Act, and Contagious Diseases (Animals) Act, and almost every public Act, and here is admittedly an Act which requires to be fully and strictly guarded for the protection of the public, and therefore it is, I think, an Act which, perhaps, more than most others, requires the appointment of an officer, for the express purpose of seeing that it is properly administered.

4035. What should be the duties of the person appointed as an inspector?—He should, of course, have the power which at present is in the hands of the police in Edinburgh under the Police Act (which, I believe, is not the case in London), of entering pawnshops at any time. He could then witness the transactions, and I think that the mere knowledge of the fact that such an inspec-

r might appear at any time would go a long ty to prevent any sort of imposition or unfair aling towards the public. I do not mean to y that that exists to a great extent, but, just in all other trades or even professions, I think ere can be no doubt that there are unscrupulous d dishonest pawnbrokers. I do not think that ey are singular in that respect. I believe that, eaking for Edinburgh, there are several pawnokers who conduct their business in a most exceptionable manner, conforming to the very tter to the provisions of the existing Act. ose, however, are few in number. There are hers, I believe, who equally conduct their siness in a thoroughly honest way, but who d difficulties in carrying out the whole prosions of the existing Act; but again there are me of whom I have the best reason to know at they do not act in all respects as they ought wards the public; and it is in preventing that at I think those inspectors would be of great vice.

4036. You would give the inspector power, I esume, to examine books and view pledges?—rtainly.

4037. And to require an account of any transtions which he wishes to investigate?—Certnly; and to give information to such person might be appointed to prosecute.

4038. Because there are some pawnbrokers o do not conduct their business properly, do u think that we should be authorised to remmend that respectable businesses should be spected by an official inspector?—Yes, on the me principle as the Factory Act. If the egislature has thought fit to check the largest anufacturers in the country by such an inspector, cannot see any objection to the appointment of person to protect the poor classes.

4039. Is not the Factory Act inspector apinted to inspect the employment of children ecially?—To see that the manufacturer does t act unfairly towards those children and overork them.

4040. Does not the Pawnbrokers Act prohibit ildren from pledging goods?—It does, in Edinrgh, under 12 years of age.

4041. Mr. *Orr Ewing.*] Do not the factory inectors also take under their surveillance women well as children?—Certainly, of all ages; and der the Workshops Act, too.

4042. Mr. *Whitwell.*] What other recommendations have you to make?—There is one hich has occurred to myself; I do not know at it will find much favour, but I think it ight be of some service. A great deal has been id as to the giving of fictitious names and adresses. I believe it to be quite true that in a reat number of cases fictitious names are given en by members of all classes of the community; but I would propose to impose a penalty on such members of the public as chose to edge articles under false names and addresses. y reason for making that proposal is this: I elieve in the interest of the better class of the awnbroking trade, that the abolition of this stem of low pledging is the first thing which ill elevate the standing and character of the ade. At present pawnbroking is looked upon ith reproach by everybody, and I believe at the real reason is because the public know at when people have stolen property, they e apt to resort to the pawnbroker to get d of it; and that when they wish drink, and have no means of obtaining it, they will pawn their last article of clothing, if necessary, to get it. If, therefore, the character and standing of the trade were raised in the way which I have suggested, I do not think that people would have the same objection which they now have of pledging in their real names. Nobody can maintain for a moment that to pawn an article is an immoral thing. I see that a previous witness suggests that the reason of pledgers using false names is, that they are afraid to be thought poor. If it be said that it is because they do not like to be thought poor, I do not quite see the force of that, supposing the trade to be respectable; and it can only be thought poor by the pawnbroker, while if a man is really poor, I suppose there are other people who know it before his pawnbroker; his tradesman must know it. I do not see any objection to a man transacting his business with a pawnbroker with perfect privacy if he wishes to do so. If a man goes to his banker or insurance office, to get an advance because he wants money, it is known to the banker or to the insurance office that he frequently does so, because he is in difficulties, and therefore why the poorer class, or any class, should object to go openly and give their real name in transacting a matter of this kind, I cannot see; it is a peculiar trade, and one in which it is admittedly the duty of the Legislature to interfere; and I submit that mere fact itself should make it requisite that parties should give their real names and addresses.

4043. Would you also impose a penalty upon the pawnbroker who did not give the real name of the party as given to him?—Certainly; that is so at present.

4044. Mr. *T. Hughes.*] You would impose a penalty on the pawner for not giving his right name as well?—I would; one great benefit to be derived from that would be, that it would make it very much easier to trace stolen property, because, whenever the public knew that the penalty was imposed upon pledging in a false name, it would be a check I believe even upon the thief. Parties would not resort to the pawnbroker so frequently when they knew they had to go through that ordeal, and that they might be detained by the inspector if they did not give a satisfactory account of themselves.

4045. How would you carry out the plan which you have recommended in a case where a pawnbroker received a thousand pledges in the course of one evening; where the pawnbroker cannot know whether the man gives a right name or not; and how can the pawnbroker if the pledger never redeems the pledge, and never appears again, know who it was that pledged it, and whether it was a false name; and how could a prosecution be conducted against a man whom he has never seen except on that evening?—If I understand the question aright, the answer would be this: that of course it does not necessarily follow that in every case a party would give his real name, or that if he did not give it he would be prosecuted. That would depend entirely upon whether the circumstances of the case were sufficient to enable a prosecution to be brought; for example, in a town like Edinburgh (it may not be so easy in London), nobody could systematically go and pawn from day to day under a false name, and as a rule, pawnbrokers have their own customers, and know them so well that they never ask ques-

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tions. They know them under false names, as for instance, John Smith, and they sometimes take down the name without ever asking it; that is a common practice.

4046. Mr. *Whitwell.*] What other suggestions do you wish to make to the Committee?—I think that, in Scotland at any rate, pawnbrokers should be licensed just as under the Public Houses Act; publicans are licensed by magistrates, and get a certificate before they get their license from the excise.

4047. Would you suggest that the license should be for 12 months, renewable at the expiration of 12 months?—I would; with a power to the magistrates not to renew it in the event of repeated convictions for contraventions of the Act.

4048. Would you give power to the magistrates to withdraw the license at any time on a breach of the law?—Not except at the period of the renewal. I should be disposed also to license the premises, because all premises are not equally suitable for pawnbroking. I know of instances where the business of a pawnbroker having been started in what is called a common stair in Scotland, the effect has been so seriously to depreciate the value of the neighbouring property as to be the cause of great loss to the proprietors. I do not think such places should be licensed; I think the building should be suitable.

4049. Would you give power, on application for a license to the persons residing in the neighbourhood of the proposed pawnshop to object?—I would give persons residing in the neighbourhood power to be heard for their interest, just as is the case under the Public Houses Act.

4050. Have you any other suggestions to make?—In Edinburgh there are very few pawnbrokers who observe the regulations of the present Act in regard to auction sales. As a rule, those auction sales are conducted on the pawnbroker's own premises, upon previous advertisements in a Conservative paper not likely to attract the most attention.

4051. Do you mean by "Conservative" the paper with the smallest circulation?—With the smallest circulation among the class likely to attend pawnbroking sales. I have brought a specimen of an advertisement (*handing in a newspaper*) that you may see the way in which they proceed.

4052. Then the pledges are not sold, as in London, by some well-known auctioneer at his public sale rooms, but they are sold generally at the pawnbrokers own establishments?—They are sold frequently at the pawnbroker's own establishments, and, as I am most credibly informed, no one attends but the pawnbrokers. The sale is a mere mockery. The whole of the goods, in such cases, are put into one lot, and knocked down at the first bid to the pawnbroker.

4053. Do you mean to say that each pledge is not entered in a book, with the value at which it is sold?—No; the pawnbroker, of course, in some form must make up an account; but he himself fixes the price, as it were, obtained for each article.

4054. Have you ever attended one of those sales?—Never.

4055. Then your are not speaking at all from own your information?—Not personally.

4056. Mr. Alderman *Carter.*] Does this evidence which you are now giving us in reference to not keeping books, and not selling pledges separately, apply to the best pawnbrokers in Edinburgh, because you told us a short time since that some of them tried to carry out the law in every respect?—Certainly, some of them do, and some of them succeed. I did not say that any pawnbroker did not keep books. We were only talking of the practice of auction sales. There is a printed catalogue made out, I understand, specifically, but article by article is not gone over and exposed at the public sales as entered in that catalogue.

4057. Mr. *Whitwell.*] Are the goods sold in a lump, so many lots together?—Yes.

4058. Mr. Alderman *Carter.*] Is that common?—It is quite common.

4059. Mr. *Whitwell.*] Are you sufficiently conversant with this establishment which advertises in this form, as the South Bridge Pawnbroking Company, to know whether it is one of the respectable establishments?—I am not personally acquainted with it; I was never in it.

4060. But you are able to say that it is the practice to sell the pledges on the premises of the pawnbroker?—Certainly, in most cases.

4061. Are they generally sold by the same auctioneer?—The same auctioneer.

4062. The other information which you have given us as to the mode of sale is simply from information you have received from other quarters?—Exactly.

4063. What would you suggest as to the mode to be adopted in future?—That all sales by auction should be conducted by one auctioneer, to be appointed for the purpose by the magistrates, or the sheriff, or some responsible party; and that the auctioneer should conduct those sales statedly, say once a month, on his own premises, where all the different pawnbrokers might send their goods, as is done here, at present.

4064. Mr. *T. Hughes.*] Do all those pawnbrokers in Edinburgh break the law now?—They at least practically evade it.

4065. The present law, as it appears to me, should be strong enough to stop this practice; is it not so?—It is very difficult. Of course, anything which I have to do in this way, as I said before, comes in merely incidentally. If I were to devote my time and attention to searching out cases of contravention and prosecuting pawnbrokers, of course more might be done.

4066. Mr. *Orr Ewing.*] Do you not hold the official position to do so?—I have the power, perhaps, but I am under no obligation, and would not think it expedient.

4067. Do you think that you are performing your duty if you are the party who ought to take these cases into court if you do not do it?—Certainly not, if I do not prosecute where I ought to do so; but besides, there are great difficulties in the way of working the present Act. Even such prosecutions as I have brought have been brought with great difficulty, and under great opposition, and very nearly successful opposition, owing to the unworkable means for prosecuting in Scotland under this Act, which is much more an English Act, and has clauses which are not applicable to Scotland, as I will explain if the Committee desire it.

4068. Mr. *Whitwell.*] What advantage would arise from making the law more stringent if the public official having a more stringent law did not put it in practice?—I do not say that I would not prosecute under such circumstances. If I were satisfied that the Act enabled me to bring a good

od case brought under my notice, and which ould result in a conviction, I would consider it y duty to do so; and I have prosecuted in all ses in which I have thought that I could reonably expect a conviction.

4069. Mr. *Orr Ewing.*] The Act is perfectly ear as to how property should be sold when wned above 10*s.*, is it not?—I am not sure that is, with all deference. I am not quite sure hether the Act is framed so as to meet the parular case to which I have referred. I do not ink that there is anything in any of the clauses hich expressly meets the case which I have it of a pawnbroker's selling in slump, or selling his own premises. As I am informed, he akes an entry of each sale; but as the goods e sold in slump, it is not a true entry in detail. would in any case be very difficult to prove that did not truly enter the sales in a book, and then should have to prove that the value that he ntered was not the true value obtained.

4070. Mr. Alderman *Carter.*] Did I underand you correctly, when I understood that you eant that the whole of the goods were put up bulk, and knocked down in bulk; and that the awnbroker had a fictitious sale on his own preises, there being no separate account kept of ch pledge; and that, in point of fact, it was an vasion of the law altogether?—It is so, I think; ut I would not call it a fictitious sale; nor do I y that the pawnbroker does not keep an acount.

4071. Then what kind of account does the awnbroker or the auctioneer keep, or how does e auctioneer put the goods up?—There is a atalogue of the goods prepared beforehand, and have no doubt that in point of fact, if the pubc attended in numbers, they could compel the awnbroker or the auctioneer as representing im, to put up the goods piecemeal; but the pubc do not, in point of fact, attend.

4072. Is it an open sale?—It is an open sale the pawnbroker's own room, where the public o not attend.

4073. Have you ever attended those sales?—ever.

4074. You know nothing about them of your wn knowledge?—Except that I am the head of public department, and my subordinates inrm me on these matters.

4075. Mr. *Crum-Ewing.*] Is there a regur auctioneer?—There is a regular licensed uctioneer, who, if I am rightly informed, himelf condemns the system as a mockery.

4076. Mr. *T. Hughes.*] In fact this list hich is made out with the prices marked oppoite, is merely for the purpose of nominally comlying with the Act, whereas the sale is really a ictitious one?—Precisely; but because he does pparently observe the Act, you will observe the ifficulty I am under in prosecuting.

4077. Mr. *Whitwell.*] Have you any suggestion to make as to giving the overplus on the ale of an article to the pledger?—I think the verplus ought to be returned; I have known ases where the overplus is considerable. I do not say that the pawnbroker makes large profits, either by overplus or higher rates of interest, or anything else, and I do not say a word against the rates being increased, if it is right that the pawnbrokers should get more money; but I heard a witness say that the return of the overplus was not very workable, owing to the failure of giving the right name. That seems to be another reason why the real name should be insisted upon, so that the pawnbroker who has an appreciable overplus might have the opportunity of sending notice to the owner.

4078. Have you any other suggestion to make besides that?—I would suggest that pawnbrokers should not be allowed to buy goods, even at auctions. I do not see the benefit of it; it would be better if they were not competitors; at present they can buy.

4079. But if the pawnbrokers are really willing to give more than the public, is it not really to the interest of the pledger that they should buy at the auction?—I would not object to that if the system which I suggest were carried out, and there were an open auction, not on the pawnbrokers own premises.

4080. Mr. *T. Hughes.*] You must allow the man to put a reserved price, must you not?—Yes. I think also that the table of rates should be so constructed as to be intelligible to the very poorest of the people who can read, and that it should be printed on the back of the ticket.

4081. Have you any other suggestion to make?—I think that farthings should be abolished.

4082. Even though it was the interest of the public that the farthings should be retained, you would abolish them?—If I could be satisfied of that, I should certainly never propose to abolish them. I would retain the "H" and "L," especially if the real name and address were given, because they certainly afford an additional means of identifying property, and discovering the real pledgers. Everything helps, and I would retain the accurate description of the property as presently provided for.

4083. You would not alter the Act in that respect?—No. I should like to instance a case as to the accurate description of pledges: A criminal officer told me only yesterday that the police had information of a crimson merino dress having been stolen from a large self-contained house in Edinburgh. On going to the pawnbrokers, he looked over the book, and he saw entered that day a winsey dress. He would have been quite justified in passing that over as certainly not being the crimson merino dress of which he was in search; but as it happened to be the only dress that day, he asked to see it, and it turned out to be the very crimson dress which had been stolen. That is an instance of the necessity for a pawnbroker entering most carefully a description of the article, because "a coat" gives no information at all; "a black frock coat" always helps, and it certainly shortens the labour of the official who has to search the pawnbroker's books.

4084. Mr. *Orr Ewing.*] Was it a respectable pawnbroker who took in that article?—I do not know which pawnbroker it was; but I have no doubt that other pawnbrokers would have done that.

4085. Would he give that wrong description?—That would depend very much upon the assistant who was there at the time. I could show you specimens of tickets which would surprise you more than that (*handing a ticket to the honourable Member*).

4086. Mr. *Whitwell.*] That you propose to obviate by having the article accurately described, as at present enjoined by the Act?—Yes.

4087. Have you any other suggestion to make

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to the Committee?—I think it is worthy of the consideration of the Committee, although I do not offer any very strong opinion upon the subject, whether the selling of pawn-tickets by the pawner should not be prohibited, because that, again, undoubtedly tends to frustrate the means of discovering the real pledger; and if the holder cannot redeem, if he has not the means to redeem, he can very easily, I should think, get a purchaser to go and redeem for him. It only gives the public a little more trouble.

4088. Mr. *T. Hughes.*] It would limit the power of the poor of dealing with their own property very considerably, would it not?—To that extent it would; but not, I think, if you were to abolish the low pledges.

4089. Mr. *Whitwell.*] Have you any other suggestion to make to the Committee?—I know the respectable part of the trade in Edinburgh consider that the license duty should be increased. One member of the trade mentioned to me a sum, which, I must say, I never could agree with, viz., 50 *l.*

4090. Of course that would have to be paid eventually by the persons who pledged articles?—Only in the same sense in which it may be said that a lawyer gets it from his clients. There is one other serious objection to the present working of the Act on the part of many pawnbrokers, and that is the splitting up of articles.

4091. What evidence can you give the Committee upon that subject?—Here are just two cases which my officer brought to me yesterday. A woman pledges a pair of tweed trousers, 4 *s.* 6 *d.* being advanced; a blue blouse and frock together, 4 *s.* 6 *d.* advanced, and a piece of print, 4 *d.* If the ticket had been of the proper size (which, I think, it ought to be for the price charged upon it, or if it is not, let the price be increased), the whole of those articles might have gone, and I think, under the Act, should have gone on one ticket, but they are all separate. Upon the piece of print, which is put by itself, there is an advance of 4 *d.*, and, of course, a separate ticket. Here is another case of the same pawnproker's; a tweed suit, a coat, vest, and trousers, all pledged, and three tickets given for them, and I am told that that is exceedingly common.

4092. Mr. Alderman *Carter.*] When were those pledged?—I have the date; it is the 11th of the current month; but I do not know the pawnbroker.

4093. Have you seen the tickets?—No; but I got that from my own officer.

4094. Mr. *Whitwell.*] You do not know the amount advanced upon the suit?—I do not.

4095. Mr. Alderman *Carter.*] Did the parties pledging complain to you?—Not at all.

4095*. Do you know whether this separation took place at the instance of the pawnbroker or at the instance of the party pledging?—I cannot say.

4096. Mr. *Orr Ewing.*] Do you think it is likely that the party pledging would ask the pawnbroker to divide the pledges into three?—Not if he was at all disposed to regard his own interest.

4097. Mr. Alderman *Carter.*] But he might wish to redeem one and leave the other, might he not?—He could do that all the same if one ticket had been given, and afterwards get a new ticket.

4098. Mr. *Whitwell.*] Have you any other suggestions to make to the Committee?—There are various other irregularities to which I might advert, but I am quite satisfied that if inspectors were appointed, those would certainly not take place——

4099. I may point out to you that the object which the Committee have in view is the amendment of the present law, if necessary, and not the detection of existing irregularities, except in so far as the existence of those irregularities may show that amendment is necessary?—But in order to illustrate the importance of the appointment of the official which I have suggested, I would mention (although I cannot say that it is a common practice), that I know a case in which the pawnbroker's book has been filled up before pledgers entered their premises: and a certain street, the High-street of Edinburgh, has been entered on at least a whole page as the residence of the pledgers who have not yet entered the premises. That shows that, of course, the pawnbrokers in those cases never asked where the residence was, and that, I may mention, transpired in the course of the prosecutions conducted at my instance to be a common practice. No questions were asked except the name and sometimes the address. The pawnbroker's explanation was that he knew the party; that he or she was a regular customer, and that he did not need to put the questions; but then the Act provides that it is always to be according to the information given, and given upon the pawnbroker's inquiry in every particular case.

4100. Then was the pawnbroker's explanation that he knew that such and such persons would come, and that he anticipated their arrival by filling up the name of the street?—No; that particular case never came before the court.

4101. But you speak of that special case as one that did come to your knowledge?—It came to my knowledge officially.

4102. That the page was filled up beforehand with the name of a well-known street, the High-street, but without the name of the pawners?—Yes.

4103. Mr. *T. Hughes.*] That was to save time, I suppose?—I presume so.

4104. Mr. *Orr Ewing.*] I suppose that in the High-street the lowest portion of the community live?—Yes, and in the closes off the High-street.

4105. Mr. *Whitwell.*] Have you any other suggestion to make to the Committee?—I think that fractional parts of a month should be abolished. I do not think they are understood by the poorer classes.

4106. You would give no days of grace to the pawner?—I do not say that. For example, I understand that under the present system, if an article has lain a day or two over a fortnight, the pawnbroker is only entitled to charge as for a fortnight, and if for less than seven days after a month, he is only entitled to charge as for a month. The practice, I am well informed, in a great many businesses in Edinburgh, is to charge for a full month if you pass a single day over the fortnight, and for a second month if you pass a single day over the first month. As the present system is unintelligible to the public, and implies an amount of calculation which they are quite incapable of performing, I think that an average rate should be struck, and made intelligible to the very poorest.

4107. You would have a rate for the first month, and another rate for the second month?—Precisely.

4108. If the article were not redeemed at the end

l of the second month, it should be liable for three months?—Precisely.

4109. And you would have no days of grace? I do not see any value in days of grace, because if the pawner knows there are no days of ce, he has the same means of redemption as has with the days of grace.

4110. Have you anything to say from your n experience with regard to the hours of ping places of business open in Edinburgh?—hink the present hours are quite long enough. would not extend the hours. The police ices in Edinburgh are only given in at 9 ock in the morning, and, of course, in those ces that are open earlier there are opportuies of pledging stolen property before the ice notices are given in.

4111. Then you would neither extend nor it the hours?—I have not considered that estion specially.

4112. Mr. *Orr Ewing.*] Do you think that re is any necessity in Scotland that Saturday uld be made an exception, and that they uld have the power of keeping open until 11 lock on that night?—I think not, for this rea: that if it is an honest industrious party who going to pledge, the Saturday half-holiday now Scotland is so universal that they have the ole day from 2 o'clock to themselves.

4113. It has been stated that in London wages generally paid late on Saturday evening, and at therefore it is necessary that the pawn-shops uld be kept open on that account; but is it t almost invariably the case that wages are d either early on Saturday, or else upon some er day in the week altogether?—Certainly; re may be cases where working men are pt very late on Saturday for some special ce of work, but they must form a very small ception.

4114. It is not men that generally pledge, is ?—I cannot say that. It is women and ildren to a much greater extent, but men pledge).

4115. Mr. *Whitwell.*] Have you at all conlered the question of free contract for sums ove 2 *l.*?—Yes, I have considered that; but I nnot say that I have come to a very decided inion upon the subject, except to this effect: at I would not have free contract absolutely, cause then you would open the trade to the ole world and ruin the respectable portion it. I think the present system of free conct above 10 *l.* works very well.

4116. You would limit it to that?—Yes.

4117. Have you any other suggestion to make the Committee?—In any new Act I would ggest that proper provision be made for conting prosecutions in Scotland, say under the mmary Procedure Act, which was passed in 64, and which contains special provisions for osecutions being brought under every variety circumstances, where a special Act does not elf contain such provision; so that if we were t upon the Summary Procedure Act just now thout those clauses in the existing Pawnbrors Act as to prosecution, the prosecutions would conducted, either before a magistrate or a stice of the peace at the instance of the prorator fiscal. I would also make this suggestion; at in any new Act, the prosecutor, at all events Scotland, and especially if he is a public procutor, should have no interest in the penalty; present he is allowed half the penalty; that of itself is a very strong inducement to me to refrain, if possible, from the prosecution, because it is a very unpleasant thing to feel as public prosecutor that you have a pecuniary interest in obtaining a conviction.

4118. Then you would alter the general law in that respect?—The general law would not give the public prosecutor an interest in the penalty.

4119. Is that only limited to the present Act in Scotland?—No, there are various Acts which give it, but if there were no provision in the present Act, the prosecutor would not get any interest in the penalty; I would propose that he should get his expenses on conviction.

4120. You would propose to take this matter out of the special Act, and leave it under the General Act?—Yes; it would be better if he were paid by way of allowance, irrespective altogether of a conviction, and that could be easily adjusted.

4121. Mr. *T. Hughes.*] If he were only paid in cases in which he obtained a conviction, must it not have a very bad effect upon the administration of justice?—Perhaps that may be so.

4122. Mr. *Whitwell.*] Does that conclude your suggestions generally?—I would suggest that the machinery for recovering penalties should be materially altered in the event of any new Act as regards Scotland; they are very defective, and very difficult to understand, because those provisions are framed so much with reference to England.

4123. Do you apply your remark generally to the Act and not to any specific clause?—Yes; I think it is rather an omission in the provisions, and that the defect is that nothing is said as to the means of recovering penalties.

4124. Mr. *T. Hughes.*] What process would you suggest for the recovery of the penalty?—The Summary Procedure Act makes very good provision for that.

4125. You would propose that all convictions under this Act should come under that Summary Procedure Act?—Yes; that would make imprisonment follow only in the event of poinding and distress failing. I would suggest that 16 years, which I understand is the limit of age for persons pledging in the case of children in England, should be applied to Scotland. There is a remark which I should like to make with reference to what I am told has been said as to the box system in Edinburgh; I understand that, in point of fact, there are only three pawnbrokers in Edinburgh who have boxes entirely closed in.

4126. Mr. *Whitwell.*] Do the others transact their businesses with open counters? — Not exactly that either. I visited two of them the day before yesterday, for the purpose of informing myself, and I was told by an official that they were fair specimens of all the houses. They have very much the same system as you have in telegraph offices; the partitions not so deep; any person can certainly know what takes place in the next box between the pledger and the pawnbroker. I do not think any objectionable secrecy is carried on in that way; but if people want to transact important matters, I do not see why they should not be allowed to do it in private. There is a slight discrepancy between section 15 in the Act, and the end of section 16; they appear to contradict each other. By the first of those sections the pawnbroker is bound to deliver to any party pro-

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ducing the ticket; by the second he is bound to deliver to anybody producing the duplicate with the declaration. I have rarely heard of any difficulty arising on this head, but obviously difficulty might arise by the owner getting a third party to produce the declaration, and afterwards himself producing the ticket. Again, if the pawnbroker were not to be held absolved by delivering to the declarant he, if he were unscrupulous, might get a declaration made, and afterwards refuse delivery to the owner. In all cases, perhaps, it might be provided that before delivery, on the tender of the duplicate, the pawnbroker should send notice of it to the owner; and there again, if the real name were given, it would be easier. It might be asked, who should bear the expense in this? I think it might fairly be thrown upon the actual uplifter of the goods. I do not care what it is, whether it is 1 *d.*, or 2 *d.*, or whatever may be thought right.

4127. But it must be the owner of the goods who makes the declaration?—It ought to be the owner, and that makes it the more reasonable that he should bear this charge as a tax for losing the ticket.

4128. There is one subject to which you have not alluded, and that is the length of time at which pledges ought to be kept before being sold; have you considered that point?—I should see no objection to limiting the period to six months.

4129. Mr. *T. Hughes.*] Sir Thomas Henry thought that that would be a considerable hardship upon pledgers; you do not see that that would be so?—It might be, in certain cases. The present practice is said to be objectionable, because parties pledge their summer goods in winter, and their winter goods in summer, and the time would not suit for the redemption; but the six months would obviate that.

4130. Is the "wee pawn" system going on in Edinburgh now to any extent?—To a great extent.

4131. But under what Act is the "wee pawn" system set up?—The Police Act of 1848 contains several sections applicable to that class of business. It applies to those brokers who buy, as I am informed, upon the understanding that if the customers return within, say, a month, the broker shall resell to them; at the same time, under the Police Act, the broker is not bound to keep the goods which he buys more than seven days. He gets a license from the police magistrate, and he keeps a book which is provided for him by the clerk of the court, in a particular form, the first page or two illustrating how he is to keep it. I looked over one of those books yesterday, and I found that the great bulk of the transactions involve an advance of under 2 *s.*, and of those there was an immense number of merely threepences, and fourpences, and sixpences, and even as low as twopences.

4132. But how is it that the whole trade does not avail itself of this Police Act, which gives facilities, as it seems to me, for an evasion of the Pawnbrokers Act?—I may mention that I have never had my attention directed to this matter, except for this inquiry, and therefore I may be wrong; but when I looked at the Act of 19 & 20 Vict., it seems to me clear that, being passed eight years later than the Police Act of Edinburgh, it overrules it. It seems to have been passed for the express purpose of bringing those small pawnbrokers under the provisions of the Act of 1799, and it has not succeeded. I think you will never get rid of the effect of these "wee pawns," as they are called, without inspection. If, as has been suggested, you prevented all advances below 2 *s.* 6 *d.* or 3 *s.*, and appointed an inspector, those pawnbrokers being brought under the Pawnbrokers Act, you would get rid of most of them.

4133. Mr. *Crum-Ewing.*] As you read the Act they contravene the law at present, and are liable to punishment?—I believe so.

4134. Mr. *T. Hughes.*] They are doing under their own Act things which contravene another Act of Parliament; is that clear?—The 19 & 20 Vict. is eight years later than the Police Act, and must control it; and even the provisions of the Police Act are much more of a prohibitory than of a permissive character.

4135. Then in your judgment it is desirable to sweep away the whole of this small trade, and to have only one system?—Yes, certainly; anybody who knows anything about it in Edinburgh knows that those small pledges are made chiefly for the purpose of getting drink. It is a common practice for two or three people to get to one of those small pawn-shops and pledge an article, and after consulting how much has been got for it, they adjourn to the nearest public-house. There is no disputing that fact. But I believe nothing of that kind is carried on, except where small petty advances are given.

4136. Then, in fact, your advice is to have one system as simple as possible, doing away with small pledges?—Precisely.

4137. And with this amendment, you think that pawnbroking is of advantage to the community?—Certainly; I think it would be very dangerous to put a stop to it all of a sudden, in any view.

4138. Mr. *Orr Ewing.*] You say that your knowledge of the pawnbrokers is principally incidental from your connection with criminal cases; I suppose you mean by that, that when a thief is apprehended, you find upon his person or in his house, pawn-tickets, which enable you to see that he has been in the habit of pledging goods?—That is very often so; but there are other means of obtaining information. In the course of precognition through other witnesses, it frequently transpires that such and such goods have been stolen, which are not even the subject of the present charge, and have been pledged.

4139. Notwithstanding all the evidence that you have given, you seem to think that pawnbroking is a means of doing a considerable amount of good?—I would not put it so; I think it is the means of giving accommodation to parties who wish to obtain it. In certain special circumstances, for example, I can quite believe that the honest, industrious tradesman, who has not constant employment, may require an advance from a pawnbroker for a time; and I think that it would be a pity to shut the door against his obtaining that advance, provided it were of an amount which would ensure its being of any practical value to him.

4140. Even 3 *s.* 1 *d.* you think may be of advantage to him?—If my own opinion were asked in that matter, I would say, certainly, that no advance under 5 *s.* should be given; but in deference to the opinion of others, I would be content with 3 *s.*, as a trial, in the first instance. The better class of the trade themselves think that

at all those low pledges should be abolished; d I am quite satisfied in my own mind that it for their interest.

4141. Is it not the poorest of the community ho go to the pawn-shops?—It is, as a rule.

4142. Is not the system of pawnbroking use-l, because the people have grown up under a cious system?—I am not prepared to say that we had never had the business we might not ave done very well without it; but I am not actly able to put myself in that position.

4143. As society is, you think it necessary?—think it would be a great pity to abolish it.

4144. You would not agree with the Premier the present Government when he said in the ar 1861 that the pawnbroking system was "a ack spot upon our present social system"?—I ost thoroughly agree that, as at present con-ucted, it is so; but if it were conducted as it ight be conducted, I do not think that it should so.

4145. Mr. Alderman *Carter.*] How long ve you held your present office? — Three ears.

4146. During the time you have had the office, before that time, have you been in the habit of siting pawnbrokers' shops?—I visited one offi-ally about two years ago; but with that excep-on I never was in one in my life until the day fore yesterday.

4147. I think I understood you to say that you rive certain advantages from penalties that are flicted upon pawnbrokers who are brought be-re you?—I am remunerated in that way; but should hardly call it an advantage to receive muneration for labour bestowed on behalf of the ublic.

4148. Have a large number of pawnbrokers een brought before you and fined for infringe-ents of the law during the time you have been office?—I have only prosecuted in 23 cases, d those prosecutions have been chiefly brought consequence of defective information on tickets, hich defective information resulted in a difficulty tracing stolen property; and in consequence of ose prosecutions a great improvement has taken lace in the form of ticket now issued by the hole of the pawnbrokers in Edinburgh. Hence, have not been obliged to conduct prosecutions cently at all.

4149. What, as a rule, have been the amounts the penalties on those cases that have been rought before you?—They never could be under 0 *s.*, and they have been on an average I should y, 3 *l.* or 4 *l.*

4150. I understood you to state that you did ot consider pawning to be an immoral act?—No, do not.

4151. Then would it be a more immoral act to awn under 2 *s.* 6 *d.*, or 2 *s.*, than to pawn above hat sum?—Certainly not; but it may be very nmoral in its effects. The act of pawning itself bstractly is not immoral; but I consider it a ery immoral thing, if after stealing an article, I o and pawn the thing which has been stolen; nd I consider it an immoral thing if I pawn olely for the purpose of getting drink.

4152. I understood you to say that you have ot had personal experience of the difficulties that he working classes may have to contend with?—have made none of those remarks with reference o the working classes. I am speaking of a much ower class still, the idle and intemperate, who ive from hand to mouth, and never from year's end to year's end, have any constant work whatever. Anybody who knows the large towns in Scotland, at least, knows that there are an immense number of such people, and that they for the most part are the parties who pledge for small sums.

4153. I agree with you thoroughly in that; but supposing you were to restrict pawnbrokers to receiving pledges above 2 *s.* or above 2 *s.* 6 *d.*, would you not deprive a steady working man of the means of getting a little assistance in a case of that kind, if he was out of work?—I cannot possibly see that, because in every such case a working man, if it is to do him any good whatever, must have at least, I should say, 5*s.*

4154. I have had experience among the working classes, and experience as a working man, and I ask you whether, when a steady working man is in difficulties, it might not be an advantage to him to be able to raise as much as would get his family a stone of flour?—I should not like to say anything that would contradict the honourable Member's experience, because I frankly confess that I have not had that experience. I am speaking very much from general observation. I can conceive such a case as you put, but I should say that such cases must be few and far between, and that the evils which undoubtedly result from the system of low pledges are so great that it would even be better to make the sacrifice in the case to which you refer than to allow those evils to continue.

4155. Your principal opposition or objection to it is, that the money is usually expended in drink?—Certainly.

4156. Then would it not be better to prohibit the drinking shop, because I want to come to the question, whether drinking is the result of pawning, or whether pawning is the result of drinking?—I believe they play into each other's hands. I believe, if measures were passed by Parliament for confining all habitual drunkards, as you do lunatics, you would to a great extent, without any alteration of the present pawnbroking law, diminish intemperance, and diminish pawnbroking also; they are inseparably connected.

4157. Then there would be less need, of course, for pawning for sums under 2 *s.* if there were no drink shops?—Most undoubtedly.

4158. And nearly all this pawning, as you think, would be done away with?— The great bulk of it would, as regards those small sums in Scotland.

4159. You have spoken of the "wee pawns;" have no attempts been made on the part of the magistrates of Edinburgh to put the "wee pawns" down?—Not to my knowledge, except so far as to put them under control by the provisions of the present Police Act.

4160. Have you a local Act in Edinburgh to legalize those "wee pawns," by which there is an understanding that a broker shall keep for a fortnight articles deposited with them?—As I read the Acts previous to the Act of 1856, that was perfectly legal in Edinburgh under the Police Act. As I read the Acts with the light of the Act of 1856, I think it is quite illegal; but that is the general impression upon my own mind, without consulting anyone, from reading that Act only yesterday.

4161. Mr. *Crum-Ewing.*] Have you ever prosecuted a "wee pawn" for contravention of the Acts?—Never; I never knew that it was possible to do so.

Mr. *R. B. Johnston.*

14 July 1870.

4162. Mr. *T. Hughes.*] Is it the common impression in Edinburgh that the "wee pawn" is protected by Act of Parliament?—Undoubtedly, and I may state that when I mentioned this to an official of the superintendent of police and showed him the Act he expressed surprise; he never knew of the Act 19 & 20 Vict.

4163. Mr. Alderman *Carter.*] I understood you to say that you would shorten the hours on Saturday, and that you would have pawnbrokers close on Saturday much sooner than they do now?—Yes, I would close them at 8 o'clock at night.

4164. I think you stated that it was customary in Scotland to pay wages, either before Saturday or very early on Saturday?—Yes.

4165. Is it usual in the case of labourers, for instance, bricklayers' labourers and men that usually work away from home, to pay them on Friday or early on Saturday?—With very few exceptions, I think, all labourers in Scotland are paid by 2 o'clock on Saturday at the very latest, and I believe a great deal of their earnings that finds its way to the public-house either directly or indirectly, would never be spent in that way if they had less facilities for doing it; but, of course, that is another question.

4166. Mr. *Whitwell.*] Your experience with regard to the Scotch labourers is, that you would recommend in their interest that the small pledges should be abolished?—Exactly.

4167. The Scotch labourer has no power of asking for relief if he is able-bodied, I believe?—Not at all, if he is able-bodied.

4168. If an English labourer is out of work, and has nothing to feed his family with, he may go and ask for relief; consequently the Scotch labourer is under a disadvantage in that respect; and if he is out of work and wants food on a frosty day, or anything of that kind, he has no right to apply to any public officer for the means to supply his family with food?—I am not sufficiently conversant even with the working of our own poor law to give an authoritative answer to that question.

4169. If that be the law of the case, would it be desirable to prevent his putting in pledge for a few days an article even of the value of 2*s.* 6*d.*?—I can just give the answer to that that I gave before; that I am not at all influenced by that consideration. I believe that if an honest industrious labourer was so poor that he had not 2*s.* 6*d.* in his possession, or anything that would yield him more than 2*s.* 6*d.*, he would certainly get relief elsewhere in some shape or other.

4170. Mr. Alderman *Carter.*] But if he had something that would yield him 2*s.* 6*d.*, would he not be justified in pawning it rather than selling it?—No, because if you have one law for the industrious labourer, you must have the same law for the idle and depraved.

4171. Mr. *Thomas Hughes.*] You think hard cases make bad laws?—Exactly.

4172. Mr. *Orr Ewing.*] If he was a man with anything to pledge, would he not get sufficient to support him from a grocer, or any one with whom he did business?—In one shape or another; I never heard of an honest industrious labourer in Scotland being so far reduced as to be in need of 2*s.* 6*d.*, and no more; the thing is impossible.

4173. Mr. Alderman *Carter.*] I think you said that there was a recommendation at Edinburgh that the license should be increased to 50*l.*?—I heard that suggestion made in Edinburgh, but I do not approve of that myself. I should not raise it above 20*l.* at any rate.

4174. In speaking of auction sales, would you not allow the pawnbroker to put a reserve price upon the articles that he had to sell by auction?—I would.

4175. And in that sense you would allow him to bid for his own goods, I suppose?—Yes, I do not object to that, provided you have the auction conducted away from his own premises and in a proper manner.

4176. Mr. *Whitwell.*] Do you desire to add anything to the evidence which you have already given?—I believe it is a moot point whether, under the present law, a pawnbroker is bound to deliver up goods that have been obtained under false pretences and pledged with him, in the same way as he is bound to deliver up stolen property. My own opinion is that he is not bound to do so, but it is not very distinctly laid down, and officially I had a case recently where there was a large quantity of jewellery pledged with certain pawnbrokers in Edinburgh. A conviction ensued, and a question arose at once between the jeweller's firm from whom the property had been obtained on false representations and the pawnbroker, and it was compromised by the jeweller paying the pawnbroker a certain sum, something like half of the advances. It would be more satisfactory if it were distinctly laid down whether goods obtained under these circumstances were to be dealt with in the same category as stolen property.

4177. Would you have that extended to goods obtained by fraud?—I do not say that, but I say that it should be laid down whether it is to be so.

4178. Then you think the law upon that point requires defining?—Precisely.

Mr. William Bowles Raynor, called in; and Examined.

Mr. *W. B. Raynor.*

4179. *Chairman.*] Are your the Head Superintendent of the Borough Police of Nottingham?—I am.

4180. How long have you been in the Nottingham police?—Forty-one years.

4181. How many pawnbrokers are there in Nottingham?—There are 20 shops.

4182. Have they all articles for sale as well as pledging?—Yes, I believe they have.

4183. You, as inspector of the police, must be cognisant of the amount of stolen property deposited with them?—Yes, I have been, to a certain extent, in my time; but lately we have not had a great deal of stolen property in Nottingham. During the last 12 months there has been very little indeed.

4184. Are the police in the habit of sending out notices to the various pawnbrokers of the articles which have been stolen?—Yes; we do that regularly.

4185. Does it frequently happen that those articles are pledged with the pawnbrokers?—Not always, by a great deal.

4186. Does it frequently happen that they are?—Not so much as you would think. Those are the lists which we sent up (*handing in a paper*).

4187. Is

4187. Is that served every day upon the pawnbrokers?—When we have anything stolen.

4188. Have you frequently to send this list out?—We have not had to do so lately, I am happy to say.

4189. When articles are stolen, where do the thieves generally dispose of them?—I should say that they generally go to the pawnbrokers' shops, but many go to the brokers' shops, where they buy old clothes.

4190. Articles of a certain value will go to the brokers' shops?—Yes; coats, and gowns, and shawls.

4191. But if there was a theft you would appoint one of your officers to go to the pawnbroker's?—Yes, the first thing.

4192. It being naturally the place where a thief would take an article?—That is the place, and then to the brokers' shops, where they buy old clothing.

4193. Do you know the value of the goods actually stolen at Nottingham in any period?—No.

4194. Do you know the number of articles?—The number of robberies reported from July 1869 to July 1870, was 302.

4195. Mr. Alderman *Carter.*] How many police have you?—One hundred and four.

4196. And what is the population?—About 86,000.

4197. Mr. *T. Hughes.*] You seem to be in an admirable state at Nottingham?—We are at the present time, I am happy to say.

4198. Do you think that it is a real improvement, or is it that the thieves have become more clever and escape attention?—Trade has been very good.

4199. As trade gets better do robberies get less?—Yes, I think so. When trade gets worse, there are more robberies.

4200. Mr. *Whitwell.*] So far as your experience goes, do the pawnbrokers assist in the discovery of theft?—Of course I have had a very great many cases of going to pawnbrokers' shops, more than I can speak of; but whenever I have gone, they have always given me the fullest information.

4201. Have you ever convicted any pawnbroker of receiving goods, knowing them to be stolen?—Not one in my time.

4202. Mr. *Orr Ewing.*] Have you any means of knowing what kind of property is in the hands of the pawnbrokers?—No; we know when a sale takes place what there is offered for sale, every two months or so, because they have handbills stuck about the town of a sale of unredeemed pledges to take place on a certain day.

4203. But if the pawnbroker knew that he had any stolen goods, he would not like to offer them for sale at Nottingham, I presume?—I do not know. I cannot say anything about that. We have only the power of going and asking the pawnbroker if he had such a thing offered for pledge, and he may tell us or he may not. I cannot say anything about that, but I have generally found it correct.

4204. Have you ever found in your experience that when you apprehended a thief you found in his possession pawn-tickets?—Yes, many times.

4205. And those goods were in the hands of the pawnbrokers?—Yes.

4206. But the pawnbrokers had not told you that those stolen goods were in their hands, had they?—No, we perhaps had never inquired for them.

4207. Therefore there may be a great deal of stolen property in the hands of pawnbrokers about which you have never heard, may there not? Quite so.

4208. Pawnbrokers are therefore a great facility to thieves to get their goods disposed of, are they not?—They generally reckon to go to pawnbrokers' shops to make money of them.

4209. When a theft takes place, the first place you look to is the pawnbrokers' shops?—Yes.

4210. That is because the property is more likely to be there than anywhere else, I suppose?—Yes.

4211. Then, is the next place the brokers' shops?—Yes.

4212. Where do you go in the third place?—We make it out the best way we can.

4213. Therefore your evidence is, that pawnbroking gives facilities for disposing of stolen property?—Yes, it does.

4214. Would you not think that it would be for the advantage of the public if there were power given to the detective part of the police to investigate the books and to search the premises of pawnbrokers?—I am sure I do not know about that; I have looked the books through when there have been silver spoons taken or anything of that sort, and they have allowed me to do so. I do not know what good it would do to search the rooms where the goods are. If a gentleman lost his black coat, and I went to look for it, I could not tell it unless the gentleman was with me to pick it out.

4215. But generally thefts are not of black coats?—No, of course not, but any clothing.

4216. Supposing that you had the power of going in every day to investigate what the pawnbrokers might have, that power would not be often exercised except as regards the lowest portion of them, would it not give facility for the detection of theft? — Yes, I daresay it might assist in that.

4217. Would you like the law to be so changed as to give such a power to the police?—It would be a delicate job to go and turn a pawnbroker's stock over.

4218. We are not speaking of delicacy, but of what would be of advantage to the public; you admit the evil, but still you are not willing to apply the remedy?—No; I should not say anything about searching pawnbrokers' shops.

4219. Have you a feeling for the pawnbrokers?—No; but whenever I have gone to them, they have always served me with what I wanted.

4220. But notwithstanding that you have admitted that a great deal of stolen property has been discovered in pawnbrokers' shops?—Yes, a great deal.

4221. And still you are not willing to give power to the police to search those places?—I do not know, I am sure, about that.

4222. Who has brought you up here as a witness?—I was sent from Nottingham.

4223. By the police force?—No, not by the police force, by the pawnbrokers.

4224. Then you are here as a pawnbroker's witness?—Yes.

4225. And you do not like to say anything to hurt their feelings?—I am only saying that which is right.

4226. Mr. Alderman *Carter.*] You are here, I

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suppose, to tell us what your experience has been with reference to the pawnbrokers of a large town?—Yes.

4227. Have you found them, as a rule, to give facilities to the police for finding stolen property?—I have.

4228. And, as a police officer, you say you would not like the job of turning a pawnbroker's stock over?—No.

4229. Do you not think that people are as likely to dispose of their property and wearing apparel to what we call second-hand clothes shops as they are at a pawnbrokers?—I believe a quantity of property goes to the people who buy old clothes.

4230. Do you not think that you should have the same facilities for turning over their stocks and examining their premises as you should have according to the honourable Member's suggestion in the pawnbrokers' shops?—When we go to those shops, the clothes hang all round the room; so that if there is anything we want, we can see it in a moment, but the pawnbroker packs up his pledges.

4231. Mr. *Whitwell.*] Does the statement of the number of robberies which you have handed in include every kind of robbery?—Yes; that is for the last 12 months.

4232. Have you a return showing how many of those robberies were detected and punished?—No, I have not a return of that; this is a list of articles which have been pledged, and which we have found at pawnbrokers' shops:—Four watches, four silver spoons, six plated forks, a lot of plated goods, a pair of boots, an umbrella, and 34 articles of clothing; in all, 44 out of 302.

4233. But can you tell me in how many cases you have discovered the offenders who have committed the robberies, and in how many cases they were convicted?—No, I cannot tell you that.

4234. Did you ever take out a search warrant to search a pawnbroker's shop?—No, we have never had occasion, that I am aware of, to take out a search warrant to search a pawnbroker's shop.

4235. Mr. Alderman *Carter.*] You are an old police officer?—Yes.

4236. Is drunkenness very prevalent in Nottingham?—Yes, there is a great deal of drinking in Nottingham.

4237. Mr. *Orr-Ewing.*] Do you think that much of the money which is got from pawnbrokers goes in that way?—To a certain extent it does, but not all.

4238. Do you not think that the money got on most of the small pledges goes in that way?—I could not answer that question.

4239. But you admit that a great deal goes in that way?—Yes, a good deal goes in drink.

4240. Are there many tickets lost in Nottingham?—Yes, a great many; several cases of lost tickets come before the magistrates every sitting.

4241. Have you ever tried to think out how those tickets were lost?—Some people get their pockets picked of them, and some lose them when they are tipsy.

4242. They get into a helpless condition after receiving the tickets, and the ticket is taken out of their pockets,?—Many of them get their pockets picked.

4243. You would not allow your pocket to be picked very readily, I suppose?—I should not like it.

4244. Do you think that those people are in a condition to resist it?—I am not going to say that those people who get their pockets picked are all tipsy; for on Saturday night, when they are all crowding together, women will get their pockets picked. They generally have all their tickets in a little pocket-book, and sometimes they are thrown down cellar lights, and found next morning.

4245. Mr. Alderman *Carter.*] Is it usual for them to carry their tickets about with them?—Very often; and females in particular.

Monday, 18*th July* 1870.

MEMBERS PRESENT:

Mr. Alderman Carter.
Mr. Crum-Ewing.
Mr. Hambro.
Mr. Morley.
Mr. Orr Ewing.
Mr. Plimsoll.
Mr. Whitwell.

JOHN WHITWELL, Esq., IN THE CHAIR.

Mr. George McKay, called in; and Examined.

Mr. *G. McKay.* 18 July 1870.

4246. *Chairman.*] You are the Provost of Pollockshaws, are you not?—I am.

4247. How long have you been provost?—Four years.

4248. As provost you are a magistrate officially, and not otherwise?—I am an *ex officio* magistrate.

4249. What is your business?—I am a pawnbroker.

4250. Are you thoroughly acquainted with the trade of pawnbroking in Pollockshaws?—Yes.

4251. How long have you been a pawnbroker there?—About 13 or 14 years.

4252. Have you more than one shop?—Only one.

4253. What is the amount of pledges deposited with you?—On an average from 3,500 to 4,000 a month, or from 42,000 to 48,000 per annum.

4254. What amount of money have you advanced upon these pledges?—About 2,000 *l.*

4255. What other pawnbrokers are there besides you?—One.

4256. Is his business much the same as yours?—Scarcely so large.

4257. What is the population for which you are the persons who transact the business?—I think our business represents, perhaps, a population of somewhere about 25,000.

4258. Do persons come from outside that population to pawn with you?—Yes, those round about the villages and towns do business with us, and that swells our transactions.

4259. Do many of the residents in Pollockshaws go to other places to pledge?—There may be a few, but I do not think there are many.

4260. Do not some go to Glasgow to pledge their goods?—It is quite possible that they do.

4261. You have no knowledge to what extent?—I have no knowledge to what extent.

4262. Can you form an idea as to the extent to which they do so?—I cannot form any idea; but I think it would be trifling.

4263. I believe there are no "wee pawns" in Pollockshaws?—No.

4264. So that, in fact, the whole business is transacted by you and the other establishment?—Yes.

4265. Your capital employed is about 2,000 *l.*, and the capital of the other establishment is not quite so large, I believe?—I think not.

4266. Do you know how much it is?—Not exactly.

4267. What do you suppose is the total number of pledges in the week in the two businesses?—It is from 875 to 1,000 each per week.

4268. May we take a gross average of 75,000 per annum for the two?—Yes, at least.

4269. Is that the maximum?—I would say from 84,000 to 96,000 is the maximum for the shops each year.

4270. What is the average value of the pledges deposited with you?—I have no means of knowing that just now.

4271. Taking your own shop, for instance, what is the lowest advance which you are applied to to make?—Sixpence.

4272. Do you ever advance a less sum than 6*d.*?—Yes, on very rare occasions we have advanced 4*d.*

4273. What would you consider a large sum to advance?—£. 5.

4274. What is the day of the week on which you receive the most pledges?—Monday.

4275. On what day are they mostly redeemed?—Saturday night.

4276. What proportion of those 35,000 pledges, which you say are deposited with you, are redeemed at the expiration of a week?—A large per-centage of those pledges. The annual number of my pledges, as before stated, are from 42,000 to 48,000.

4277. Can you give the Committee an approximate per-centage?—I cannot just now.

4278. What per-centage do you suppose would not be redeemed?—From 5 to 7 per cent.

4279. What proportion of your pledges are articles of clothing or wearing apparel?—I have no means of stating definitely just now.

4280. Do they consist largely of articles of clothing?—Yes.

4281. Are the majority of pledges articles of clothing?—I would almost venture to say so.

4282. Have you brought any books with you?—No.

4283. Those articles of clothing are, of course, articles which are principally redeemed at the end of the week?—Yes, I think so.

4284. Are they principally articles of Sunday clothing?—I am not particularly sure; I could not say definitely.

4285. Is it a common practice in Scotland for persons to bring in their Sunday clothing on

Mr. *G. McKay.*
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Monday and to take it out on Saturday night?—I would say not.

4286. Do you ever divide articles of clothing into two or three distinct pledges? — Very seldom.

4287. If a man brings a suit of clothing, a coat, trowsers, and vest, do you take it as one pledge or three?—As one.

4288. Is that your invariable practice?—Yes.

4289. Mr. Alderman *Carter.*] What would be your inducement to divide it if you did divide it; would it be at the request of the party?—It would depend a great deal on the value of the goods. I would not divide such except at the request of the party.

4290. *Chairman.*] Do you have many articles which have been stolen deposited with you in pledge?—Very few. I have a statement of them which I could give the Committee if it is considered desirable.

4291. Will you state to the Committee how many instances of stolen articles which have been discovered by the police have occurred within a specific time?—I may say that the police have access to the books of the two pawnbrokers in Pollockshaws. The pawnbroker gives them always every assistance in his power. All the transactions are entered in the books, and in my own pawnbroking office the cases in which stolen goods were given up to the police as evidence against parties convicted within the last 11 years are as follows: in 1860, none; in 1861, one; in 1862, two; in 1863, five; in 1864, two; in 1865, six; in 1866, one; in 1867, one; in 1868, one; in 1869, three; in 1870, none. Thirteen of the above 22 were tried at Pollockshaws; five at Paisley, and four at Glasgow. The total sum lent upon the above goods by the pawnbroker being 3 *l.* 1 *s.* 3½ *d.*

4292. Did it happen that any of those cases were heard when you were sitting on the bench?—No.

4293. But you, as chief magistrate, would hear of most cases of theft, would you not?—Yes; you will observe that for the last 11 years there have been only 13 cases, and I have only been a magistrate for four years.

4294. Four years would extend over 1867, 1868, and 1869; in 1869 there were three cases, were you on the bench when any of those cases were tried?—No.

4295. Were you on the bench when any of the other cases were tried, when the stolen property was found in the hands of another pawnbroker?—I think not.

4296. Can you tell me how many cases of theft were reported in Pollockshaws by the police during any one year?—No.

4297. Are you aware what the number of robberies may have been in any one year in Pollockshaws proper?—Very few indeed; far less thefts are committed than cases of other kinds in Pollockshaws proper.

4298. Can you inform the Committee of the number of cases where stolen property was found in the possession of the other pawnbroker, whose account you have?—In the other pawnbroker's office, the cases in which stolen goods were delivered to the police for the last five years were, in 1866 one; in 1867 four; in 1868 two; in 1869 one; in 1870 one; the sum lent thereupon being 1 *l.* 6 *s.* 7½ *d.*

4299. Mr. *Plimsoll.*] Are they all trifling articles?—All of them are of trifling value.

4300. *Chairman.*] Can you inform the Committee what class of persons it is who pawn with you at Pollockshaws?—I consider that the inhabitants of Pollockshaws and the neighbourhood are industrious and frugal.

4301. That is not the question; what class of persons is it that pawn with you at Pollockshaws?—Generally the working classes; labourers, mechanics, and so on.

4302. Is it their poverty which causes them to pawn?—I do now know; but in my opinion the poor people, or people in humbler circumstances, have as much right to pledge their property when need requires as the rich have.

4303. Is it poverty which causes them to pawn?—It is their requirements; my own experience is, that most of the money which is lent goes to buy food, and goes to pay monthly rents, and half-yearly rents, and other necessary requirements.

4304. Are you not aware that the poor rates in Pollockshaws have very much increased?—Yes; but I have no statistics upon the subject. I intended to have brought the statistics in reference to the poor rates; but these being our holidays there were no means of getting them.

4305. Can you tell us how many places there are in Pollockshaws where intoxicating liquors are sold?—No.

4306. Can you tell us how many persons are brought up before you and the other magistrates in any one week for drunkenness?—I am sure I am extravagant when I say that there are not above 12 drunk and incapable cases in the whole year in Pollockshaws.

4307. Mr. Alderman *Carter.*] I take it that it is not usual to take up people who are drunk unless they are incapable?—Just so.

4308. Mr. *Crum-Ewing.*] They are not brought up for merely being drunk?—Not if they are fit to take care of themselves.

4309. A man is not brought before the magistrates because he is drunk, unless he be doing some act contrary to the peace, such as rioting or making a noise?—Yes, just so; I refer to drunk and incapable cases that cannot take charge of themselves.

4310. Even supposing that a man was found by his friends lying drunk in the streets the police would not interfere, I suppose?—No.

4311. *Chairman.*] Have you any cases of people being brought up for being drunk and disorderly, besides being drunk and incapable?—Of course there are breaches of the peace, but that arises from a quarrelsome disposition as often as from drink.

4312. You have come here to give the Committee information, and the question is, are there in a year no more than 12 cases at Pollockshaws of persons being brought up before you and other magistrates, having been intoxicated at the time they were taken up by the police?—We call those cases drunk and incapable cases, and there have been no more. I say again that I am extravagant when I say that there are 12 cases in the whole 12 months of that description of crime, if you call it so.

4313. Are there no other cases in which drunkenness formed a part of the charge?—I will not say that.

4314. How many other cases were there in which drunkenness formed a part of the charge, besides being drunk and incapable?—I could not say.

4315. You

15. You have had no information upon the ct?—No.

16. Have you any other information which vish to give to the Committee?—I consider pawnbroking in Pollockshaws has not been ause of the great increase of poors' rates in parish of Eastwood; I believe that other s have contributed to the increase of the rates there. The causes which have con- ted to the increase of poors' rates there are ame as have contributed to produce that throughout the whole country, such as the ng of poorhouses, the buying of burial ds, the increase of salaries, the fluctuations ade, the increase of population, old age, nage, illegitimacy, disease, &c., and the ment of the poor's rate introduced by the f 1842 instead of the former system, which oluntary.

17. You clearly have come up to defend the broking system at Pollockshaws?—Not ly to do that.

18. Mr. *Crum-Ewing.*] The people in the wood parish, which, of course, you speak of, e Pollockshaws district, are very well em- d, are they not?—Yes, generally they are well employed.

19. Have not almost all the works been very for four or five years, such as Thornliebank, stance?—Yes, they have been very busy at liebank.

20. And at other works in Pollockshaws?— inly.

21. Can you tell me any work in Pollock- which has not been well employed?—There rtificate from one (*handing in a Paper*), as ole.

22. How many men are employed in this —Not very many.

23. How many?—I cannot exactly say.

24. Very few, I should think, at those ?—Yes.

25. I see that there is another bleaching which you have given in; that is a small is it not?—It is not.

26. How many are employed there?— pose there would be upwards of 300 or

27. There is no distress amongst the people llockshaws, I suppose?—No.

28. It is only this small work which has not mployed, and all the rest of the works in rish of Eastwood have been well employed; the largest works in the parish of East- such as Thornliebank, how many hands do mploy there?—Perhaps, 2,000.

29. Have they for the last four years, during me you speak of, ever been idle at all; ere been an idle man there?—I am not

30. Have they been all fully employed, and king large wages?—As far as I know.

31. Mr. Alderman *Carter.*] What will be erage wages of the parties working at those works; will they be 18 *s.*, or 1 *l.*, or more hat?—At those bleach works they are most m females, and their wages will, perhaps, ge from 6 *s.* to 8 *s.* per week.

32. What proportion of men are engaged at works?—Fifty men, and 350 females.

33. Mr. *Plimsoll.*] Do you think that pawn- rs are fairly chargeable for the increase of rism and drunkenness?—They are not.

34. The money advanced by a pawnbroker, I suppose, is advanced with a view to its repayment, is it not?—Yes.

4335. And you also require an addition to the principal, do you not?—Yes.

4336. So that if people who pawn are correctly supposed (and that is a very large assumption) to take the money direct from the pawnbroker's shop to the dramshop, there is this counterpoise, at least, that they have to bring a rather larger sum by and bye to the pawnbroker to get the goods, which would otherwise be available for the dramshop?—I would think, of course, that that would be the conclusion.

4337. So that taking the point of view which has been adopted by some of the witnesses, that all the money which a pawnbroker lends is spent in drink, it at least prevents a larger sum being spent in drink, because you are not content to get your principal back, but you get something with it?—Yes, I would think so.

4338. Mr. Alderman *Carter.*] A former witness told us that there were 2,008 householders in Pollackshaws, and that 1,101 of those were excused from the payment of their poor's rate for some reason or other; can you tell me the reason why more than one-half of the whole population were excused their poor's rates when you say that work is pretty plentiful?—You will observe that there is a large amount of females holding houses engaged in work in Pollackshaws, and they are generally not charged.

4339. I understood you to say that the population of your district was about 25,000?—That is the population of the whole district representing the pawnbroking business done by the two pawnbrokers of Pollockshaws.

4340. Mr. *Crum-Ewing.*] That includes almost the whole of what you would call the eastern district of Renfrewshire, does it not?—With the exception of the Glasgow district.

4341. That includes Barrhead, does it not?—No.

4342. What does it include?—It includes Crossmyloof, New and Old Cathcart, Thornliebank, Newton, Mearns, Busby, Eaglesham, &c.

4343. How many works are there in Crossmyloof?—I think that Crossmyloof is in the parish of Cathcart. I have taken the calculation for the parish of Cathcart at 3,782, and I have supposed that in the parish of Mearns there are 3,575. I have supposed Eastwood to be 11,314, Eaglesham 2,000, and Busby 2,000; and there are other little places which I could mention. I have supposed an increase in the whole district of 6,000. Strathbungo is not represented there, nor Neilston. There are two works in Crossmyloof, of an iron forge and a large baking factory.

4344. *Chairman.*] The Committee have met for the purpose of considering whether there should be any alteration in the law; have you, as a pawnbroker, anything to suggest with regard to any alteration of the law?—I have nothing to suggest.

4345. Do you think that the profits obtained are large enough?—The only thing I have to suggest is, that if the Government does not consider that the trade is carried on in a proper way they, I think, ought to take it into their own hands and carry it on.

4346. And buy up all the pawnbroking businesses?—That is the way I understand in France, and some parts of the Continent.

4347. You have some 2,000 *l.* capital in your business;

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business; have you any other business?—I have no other business, but I have other properties.

4348. And you have been a pawnbroker for 14 years?—Yes, about that.

4349. You must have found the business a profitable one?—Any means which I have, have not been made entirely by pawnbroking. Before I was a pawnbroker at all, I was very successful in buying shares and selling them.

4350. But you must have found the business a profitable one, otherwise you would not have continued it?—I have derived any means which I have more from other sources than from pawnbroking.

4351. Still you attend to your own business, do you not?—Partially.

4352. How many hands do you require to assist you?—Three besides myself.

4353. How much do you pay to those hands?—I cannot exactly say.

4354. Mr. Alderman *Carter.*] Are they male or female?—They are male.

4355. Have you three men?—I have one man and two boys.

4356. *Chairman.*] Do you not know what you pay to the three men?—If I had been aware that I was going to be questioned generally upon pawnbroking, I would have had my books and everything here; but I am not prepared to go into the question.

4357. Are you prepared to tell the Committee what is the cost of managing your business by the wages you pay to your assistants?—I think I pay 23 *s.* a week to the man and 8 *s.* to one of the boys, and then there is another boy to whom I give 3 *s.*

4358. Then you have two boys and a man?—Yes.

4359. Does it require your own attention as well?—Yes, occasionally.

4360. What rent do you pay for your premises?—Some 18 *l.*, I think; it is 23 *l.*, and I have part of it sub-let.

4361. The amount of capital in the business being 2,000 *l.*, 10 per cent. upon that would be 200 *l.*, would it not?—Yes.

4362. Out of which you have to pay something like 100 *l.*; are you prepared to tell the Committee what other pawnbrokers in London have freely told them, viz., what is the balance of profit on your business?—I am not aware, because I have not my books, and I cannot speak positively of it.

4363. And you cannot tell how much money you have made the last three or four years?—Not exactly just now.

4364. However, it is quite remunerative, and you are quite satisfied with it?—Not altogether.

4365. I do not want to press you for anything that you do not wish to give, but as other pawnbrokers have offered it, I thought you might possibly be inclined to do the same; have you a saleshop in which you sell the articles which are pawned with you?—Yes, those under 10 *s.*

4366. How do you conduct the sale of articles above 10 *s.* in value at the end of twelve months?—In our business we have public sales occasionally.

4367. Mr. Alderman *Carter.*] By auction?—By auction.

4368. *Chairman.*] Where are the public sales?—In Glasgow.

4369. Do your unredeemed pledges, above 10 *s.* in value, go to Glasgow to be sold?—There may be some of them which do not.

4370. Where are they sold?—The parties to whom they belong might get them again, perhaps, with a day or two allowed.

4371. But you are bound to sell all those which are not redeemed at the end of 12 months, are you not, by Act of Parliament?—I believe so.

4372. But it is not your practice to do so, is it?—Yes, we do so.

4373. To a certain extent, I think you said?—Yes, I think so.

4374. But not altogether?—No, some may be sold in that way.

4375. How are those pledges sold which are not sold to the person who pawns the article?—They are sold in Glasgow.

4376. Who sells them?—Mr. Davidson has sold some sometimes for me, and Mr. Stewart; I am not prepared to give the whole particulars just now.

4377. Are you in the habit of advertising your sales?—Sometimes; public sales.

4378. But not always?—Public sales of unredeemed pledges are always advertised.

4379. At what shops in Glasgow are they sold?—I have had sales with Mr. Stewart; I have had sales with Mr. Davidson; I have had sales with another auctioneer.

4380. How often in a year have you sales?—It may be once in the year.

4381. In what papers are they advertised?—Generally in the "Herald" and in the "Mail."

4382. Are they advertised as your unredeemed pledges?—Yes.

4383. Where does the other pawnbroker sell?—I do not know.

4384. Are they sometimes sold, as they are in Edinburgh, on the premises of the pawnbroker themselves, by an auctioneer?—I do not think so.

4385. Mr. *Alderman Carter.*] Did you ever have a sale by auction on your premises?—No, never.

4386. *Chairman.*] Then you have no other recommendation with regard to the alteration of the law, except that the Government should take up the whole of the pawnbroking establishment?—I consider that the Act might be simplified a good deal more than it is.

4387. In what way?—I am not prepared to say, but I am under the impression that it might be simplified.

Mr. William Scoular, called in; and Examined.

Mr. *W. Scoular.*

4388. *Chairman.*] Are you a pawnbroker in Glasgow?—Yes.

4389. What part of Glasgow?—I have had two places, one at the Cross, just at the head of the Salt Market, for the last 23 years and I have a place in Bridgeton, which is in the outskirts of Glasgow; which I have had probably for years.

4390. Have you both establishments now under you?—No, I have given up the one at the Cross

ear, at Whit Sunday. One reason for doing s that the town has bought the property I had there, for improvements, and, there- gave it up, because I did not know how hey would take possession of it.

91. Then all your business is now carried on idgeton, Glasgow?—Yes.

2. Having been a number of years in the ess, can you explain the peculiar circum- es in the year 1806 when it was said that was but one pawnbroker in Scotland?—So my own knowledge goes I cannot do that is the year in which I was born; herefore it cannot be expected that I can anything beyond that time; but the fact e matter is this: that previously to 1806 s not known that the Pawnbroking Act d to Scotland at all, and, so late as there was one who carried on the pawn ess in Glasgow, which was entirely on the pawn" system, for it was not known that et 39 and 40 Geo. 3, c. 99, applied to Scot- at all; and when this person died appli- was made to the sheriff of Lanarkshire warrant. He granted a warrant upon the tion that the drum was to be sent through, was done, giving notice that if the goods not redeemed in one month they were to be

93. You mean a public notice by the sound um?—Yes; it the goods were not lifted n one month they were to be sold. I have rom the party who wound up that business, have a confirmation here with regard to the hat the Act was not known previously to time. That is from a Mr. McGlaishan, who e a Digest of the Laws of Pawnbroking. is merely to show that the Pawnbroking was not believed to extend to Scotland at all. awnbroker's license was taken out before 1811 asgow. With regard to that one pawnbroker 806, I believe it is a concoction altogether, h was concocted in Pollockshaws, and there truth in it whatsoever.

94. Then since 1811 there have been pawn- ing businesses?—I do not know how soon that it was discovered that the Act applied cotland.

95. How many pawnbroking establishments there when you began business in Glasgow? hen I began business in Glasgow in 1843, I ot pay particular attention for a year or two; after I was a year or two in the business, were somewhere about 40.

96. Mr. Alderman *Carter.*] What year would be?—I should say about 1850.

97. *Chairman.*] When did you become tary to the Pawnbrokers' Association in gow?—I think it would be about the year

98. How many pawnbrokers were there in ssociation?—About 30 in Glasgow, after the was passed in 1856 (19 & 20 Vict. c. 27) for pawns," there were 50 pawnbrokers, and there said to be some hundreds of "wee pawns." procurator fiscal commenced prosecutions that Act of 1856 was passed, which facilities for prosecuting the "wee pawns." quired two witnesses before, but one will do I think. It was represented that there were "wee pawns" at that time, but there were ably from 200 to 300 "wee pawns." Mr. glas commenced a prosecution against them that Act was passed, and in 1856 or 1857 108.

the number of licensed pawnbrokers rose from 50 to 116.

4399. Did the men who kept the "wee pawns" take out licenses?—Yes; it was that that caused the increase of the number. They took out licenses, and that caused the increase of the number from 50 to 116.

4400. What number of pawnbrokers are there now in Glasgow?—About 115 or 116, just the same number in 1857.

4401. Are there many "wee pawns" now in existence in Glasgow?—Yes; within these few years again the licensed pawnbrokers have not been increasing, but decreasing.

4402. Can you give the Committee any information as to the number of "wee pawns"?—I have only been told of it, but I am told that there are probably 100 carrying on the "wee pawn" system at the present time.

4403. In what way do the "wee pawns" carry on business?—They pretend to buy the goods, and sell them back to the same people again.

4404. Do you know of your own knowledge what rate they charge on the transactions?—They do it differently; some charge one penny a week.

4405. Are their charges generally higher than the charges made by the regular pawnbrokers?—Yes.

4406. If they were entirely stopped, would the working classes suffer any disadvantage?—Certainly not; they were all stopped in 1856 and 1857, and they could be stopped now.

4407. Why do the working classes pawn at the "wee pawns" in preference to the regular pawnbrokers?—I cannot explain it, but they do so.

4408. Are the articles of less value?—I will take in goods of the same value as go there, and yet they go and pay a far higher rate.

4409. Then the regular pawnbrokers in Glasgow do not object to receive articles of very small value?—No; besides a great many of the "wee pawns" take in on Sunday, and they take in after hours when the pawnbrokers are shut.

4410. Do you know, of your own knowledge, that the "wee pawns" are open on Sunday?—No, for I am not in Glasgow; further than that, the information which I have is perfectly reliable.

4411. You feel satisfied that that is the fact?—I feel satisfied that it is the fact some of them do business then.

4412. Mr. *Crum-Ewing.*] How many pawnbrokers are there in your district of Bridgeton?—There are four or five.

4413. *Chairman.*] Have you any information as to the number of articles which are pawned in Glasgow?—The calculation which I would make is that the number of pledges in the year would probably be about 5,000,000 in the city of Glasgow, as near as I can calculate.

4414. Can you form an opinion of the average value of each pledge?—The average value which I took in at the Cross of Glasgow is about 3*s.* 6*d.* of the pledges below 10*s.* The average of those above 10*s.* in what we call the "high book" would be probably from 20*s.* to 25*s.*, because some of them would be gold watches.

4415. Are the articles pledged in Glasgow principally articles of clothing?—In my business at the Cross a great number were watches and jewellery, because they came from all quarters round about the country, that being the centre

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of the town; but in Bridgton clothing is the principal part, and I found in my stock, when I took it, that out of about 3,000*l.* there is only about 400*l.* worth of watches and jewellery.

4416. Are there many articles of domestic furniture?—I do not take them in at all. I would not take them in because they would not pay.

4417. Have you tools?—Very little; scarcely any.

4418. Is the principal part clothing?—Yes.

4419. Have you ever been in the habit of taking as pledges manufactured articles, such as cloth?—Very little.

4420. Are there any pawnbrokers in Glasgow who do so?—There are some who do that with shopkeepers; but I have done very little of that for I did not find it profitable.

4421. Then your business, perhaps, was not one of the largest businesses at the Cross?—At the Cross when I first commenced business the capital employed was about 6,000*l.* or 7,000*l.*; but before I had given it up it was somewhere about 3,000*l.*, or rather less. It diminished, because when I commenced business we had the pledges from Pollockshaws and Kirkintilloch, and all about the country, when there were no pawnbrokers there; but after they started I lost the pledging round about the country in a great measure..

4422. In what way do you sell the articles above 10*s.*?—I sell them all by public sale.

4423. At what public sales?—I sell with different auctioneers; but principally with Mr. Davidson.

4424. Do you send the articles to his auction rooms to be sold there?—I send the whole of my goods there.

4425. Not on your own premises, but off your premises?—Yes; off my premises.

4426. How often has he sales of unredeemed pledges?—Five days a week, from half-past 12 to four, and from half-past seven to 10 P.M. There are four or five others selling continually every day.

4427. Are you in the habit of putting a reserved price upon the pledges?—Never; I just sell them as they go.

4428. Do you generally make a profit, or a loss?—I will show you the profit if you like. You will find it a very small affair.

4429. Mr. Alderman *Carter.*] Do you attend your own sales?—Yes; I attend them all.

4430. Do you reserve to yourself the right of bidding?—No; I do not bid for a single article.

4431. When you have once determined to put them up by auction, you let them go?—I let them all go; I have no other way of selling them.

4432. I am speaking not of selling, but of buying; do not you hold yourself at liberty to buy an article which you put up?—I know I have the liberty, but I never do it, because when I did attempt it, and bought an article at one sale to sell at another, I found that I did not get so much at the next sale.

4433. *Chairman.*] Have you a shop where you sell articles?—I used to have one; but I could not sell the articles, and I have no sale shop now.

4434. Is it a fact that articles upon which you advanced, from the 1st of June 1867 to the 1st of June 1868, 1,469*l.* 19*s.* 10*d.*, sold for 1,198*l.* 7*s.* 4*d.*?—Yes.

4435. And you lost upon that transaction?—You will find that there was only one sixpence profit in the whole year, and that sixpence was on the sale of books.

4436. In the next year upon articles upon which you advanced 1,821 *l.* 0*s.* 6*d.*, did you obtain on sale 1,486 *l.* 0 *s.* 6 *d.*, losing exactly 335 *l.*?—Yes; there is my book if you want to see it to prove it (*producing a book*).

4437. Why was it that you valued those articles so much above their real value?—We cannot get them cheaper; competition makes us lend so much above the value; and another reason is, that an article, which will be worth 10 *s.* this year, may probably not fetch 4 *s.* next year, and we are obliged to sell them in that way; the goods fall, in value and fashions change. The half of those goods that come to the public sale are pledged by "duffers," who buy them at the sale, and then re-pledge them, and get a profit upon it, which we cannot avoid. Competition is so great in Glasgow that if you did not do it another man would lend more. A coat which may be worth 1 *l.* to the wearer, will probably not draw 5 *s.* at a sale.

4438. I think you said that your capital was reduced to 3,000 *l.*?—Yes.

4439. Is not 335 *l.* above 10 per cent. upon the 3,000 *l.*?—You will observe that that includes the two places of business; the sales are from both places; I never could sell the one without the other to the same advantage.

4440. So that this represents the loss upon a capital of how much?—I think the calculation is given in the paper which I have handed in that is money advanced in 12 years (*handing in a paper*); you will see there the amount of each year.

4441. This statement shows that upon 1,821 *l.* 0 *s.* 6 *d.*, money lent without interest, you only realised 1,486 *l.* 0 *s.* 6 *d.* after paying the auctioneer, being a loss of 335 *l.*, or nearly 19 per cent. upon your unredeemed pledges; on what is the 19 per cent. calculated?—It is calculated upon the amount which I have sent to the sale.

4442. With regard to the articles which have been deposited with you, and discovered afterwards to be stolen, in 12 years you have transacted business to the value of 145,095 *l.*; and during those years you have had to give up to the police 62 *l.* 10 *s.* worth of stolen articles, have you not?—Yes, that was in the 12 years at the Cross, the worst place in the City for stolen property to be got.

4443. You stated that at another shop where your business, during five years, amounted to 59,766 *l.*, the amount recovered by the police was 5 *l.* 15 *s.* 1 *d.* for stolen goods?—Yes, that is in Bridgeton.

4444. You also wished the Committee to be informed that in Glasgow the number of articles actually reported as stolen to the police in one year is 8,966?—Yes, I make the calculation from the notices which we get regulary every day.

4445. Can you tell the Committee how many of those articles were recovered?—No.

4446. You have not that information?—No; those notices would give it, but it would require calculation.

4447. In your statement, with regard to the largest of your transactions, you give the amount of goods surrendered to the police; can you give the Committee the number of articles which form that amount?—I cannot give it, because I have only taken it from my books, and my books only show

v the amount of money lent during the year; e were a good many watches amongst them; re was only one or two gold watches in 27 s, and one of them was a 4 *l.* advance; and it taken to Edinburgh, and I never got a proper unt of whether it was really stolen or not.

48. Is much stolen property pledged in pro- ion to the number of pawnbrokers?—No, amount is very small.

49. Would it be possible for the police ers or the public to examine forfeited pledges e they were sold, with a view to identifying n property?—They have an opportunity with fore sale, if they choose, and they do so. The m which they adopt in Glasgow is, that they power to examine our books; they have r to order us to show every article in our ession; and they bring the party who has lost articles, and make us show the different les, so that they may see whether it is their e or not.

50. Do the police do that continually?—The e do that continually. I have had five dif- t officers in a day at my shop at the Cross. Police Act gives them that power.

51. Mr. *Crum-Ewing.*] They have no power r the general Act to do that, but it is under Glasgow Police Act, is it not?—It is under Glasgow Police Act.

52. *Chairman.*] Do you think that power es them to detect stolen property when it is ited with a pawnbroker?—It gives them advantage which it is possible that they can

53. Would you wish to deprive them of that ntage?—I feel it an annoyance sometimes they come four or five times a day, but at ame time I think it necessary.

54. You think that it is the duty of an st man to afford all means for the discovery me?—Yes, I think it is important, although sometimes somewhat derogatory to the pawn- ers.

55. If you had reason to suspect that one or forfeited pledges were the produce of theft, d it not be possible for you to keep back such cted pledges and sell them in a more private er?—There is nothing impossible, but I did it, and I do not see the advantage of my part, because selling unredeemed pledges een a losing concern, and it is certainly the broker's interest to see that he takes in no goods.

56. Did you ever hear of a pawnbroker g been detected in such practices?—None asgow.

57. Have you had many instances where ns, after having pledged their articles, and edeemed them, have come at the expiration elve months, and asked you to show to them ur book the amount which you received for rticle by public auction?—I have had it years ago, but I do not think that I have any person making that application these n years; and it would be of little conse- ce, because I do not believe that I have sold dge for 12 years which would really pay the est of the pawnbroker and the expenses of ale.

58. There would be nothing for the poor who pawned the article?—Nothing but a which they are entitled to pay honourably ey choose.

59. Are you in the habit of dividing a pledge into more than one pledge when it is deposited with you?—Never; I think it is a mistaken notion for any pawnbroker to do so, if ever they do so. I never saw the benefit of it.

4460. If a person were to bring several articles at a time would you give him always one ticket, and only one ticket?—Never otherwise, unless wished.

4461. Is it not customary in Glasgow to split the pledge?—They must be very foolish pawnbrokers who do it. I do not think that it is common, or that it is done at all; at any rate I am not aware of it.

4462. On what day of the week do you receive most deposits?—We receive the largest number of deposits on Mondays principally.

4463. At what time are they principally taken out again?—The heaviest day is Saturday, when the money is coming in.

4464. Then the process is, as some of the witnesses have stated, that persons bring on a Monday their clothes which they do not require during the week, and take them out on the Saturday for the Sunday's wear, is that the case?—The case is this: that those parties are always a week behind, and are obliged to come on Saturday night with the wages which they have received to lift their Sunday clothes, and they are necessitated to come back on Mondays to pay their shop bills and other demands.

4465. Do you consider that a large proportion of the Sunday clothes amongst the poorer classes of Glasgow are in pledge during the whole of the week?—On Mondays they are the heaviest pledges for this reason; but during the week it is merely temporary advances which they require, and they are generally smaller in amount.

4466. But the Sunday clothes remain from Monday morning to Saturday night?—Yes; and sometimes from one year's end to the other.

4467. Do you recognise the same clothes come in over and over again week after week?—They may come in for two or three weeks at a time, but not every week for a whole year. There is never such a thing.

4468. But for some few weeks in succession?—Yes, for some few weeks. The people have been behind, and it is some time before they can, as it were, get up so that they are able to pay; besides, they have an advantage in pawning, because if they deal with a shop they have to pay probably 2 *s.* a pound for credit, while we can lend them 1 *l.* for a week or a month for 4 *d.*, and therefore it is an advantage to them, and they know it.

4469. Is not Monday an idle day in Scotland?—No; not with the public works. It may be with some men, such as masons and labourers.

4470. But if the men are inclined to get drunk, is not Monday the day on which they would indulge in it?—Saturdays and Sundays are the days.

4471. You do not think that the money which is advanced by the pawnbrokers on the Monday is advanced for the purpose of supplying the men with drink?—No; so far as that is the case, it is on the Saturday night that the pawnbrokers are getting in the money, and Saturdays and Sundays are the times when there is so much drunkenness in Glasgow; therefore it proves that it is not the pawnbrokers' money which goes for drink at all. A few weeks ago there were in the central police office in Glasgow 195 parties on the Monday, most of them being there for drunkenness,

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or in connection with drunkenness, and, therefore, it was quite plain that it was not the pawnbrokers' money which enabled them to get drunk.

4472. Until what hour do you keep open at Glasgow?—I have always kept open from 8 o'clock to 7 o'clock.

4473. And on Saturdays?—Till 11 o'clock.

4474. Do you see any objection to the closing of pawnbroking businesses at an earlier hour on Saturdays?—It is almost impossible to do so, because I can see no advantage to the pawnbroker, but a disadvantage to the public; they would not get their clothes; and, besides, the present Act does not prohibit us giving out clothing up to 12 o'clock; on Saturday night it is only with regard to pledging, and we do not take in pledges after 11 o'clock.

4475. Do you think that because the Act does not prohibit a pawnbroker from taking pledges in up to 11 o'clock on Saturday night, he keeps his shop open after 11 o'clock?—He can keep the shop open for the accommodation of the public up to 11 o'clock.

4476. And no later?—I would not shut the door in their faces. In the summer time of the year, the people are generally later in coming, and it may be a few minutes, but we generally shut the door, and keep the people in who are to be served.

4477. Can you inform the Committee whether you are in the habit of requiring the name and address of every person who pawns with you?—I always do so.

4478. Do you require the exact name and address?—Yes; I never put another name down.

4479. And you have no reason to suppose that persons do not give their right names and addresses?—No; I think it is a very small number who do so. So far as my experience goes, the truth is that in Bridgeton we can name most of the parties.

4480. If they gave you a wrong name and address, you would know it?—Yes.

4481. Then there is not the same objection in Glasgow that there seems to be in other places to giving the right name and address?—I always get the right name and address.

4482. Is it not an advantage to the police to have the right name and address recorded in your books?—I believe it would be, but they do not put themselves to much trouble, because we often send goods to the police, giving a description of the party offering, and they never give themselves the trouble of making an inquiry about those parties. I had a case the other week with regard to a watch. A person came in to pledge a watch, and I saw the number mentioned in the report, but instead of the police reporting it correctly, they reported it as recovered. However, I was under the impression that it was a mistake; I got the person away to go to the office, in the hope that I should meet a policeman on the way, and I went from Bridgeton to the police office without discovering a policeman, and before we got to the office, the person ran off and got away from me. The police would not take the watch from me after I went, and they came afterwards and got it, but they never came to inquire the description of the party, which I could give them.

4483. That was an instance in which a pawnbroker, suspecting robbery, did his best to assist the police in detecting a thief?—Yes; if I could have got a policeman, the party would have been secured, but I could not get one for nearly hal a mile, and it was only near the police office th the party got away from me.

4484. With regard to the amount to be charg by a pawnbroker, have you any suggestions t make to the Committee?—My notion is that th rates are rather small, and they are too compli cated.

4485. How would you propose to have ther altered?—I propose that there shall be no fra tional parts, and no half months, which only giv facility for taking advantage.

4486. Have you a form of your pawn-ticket?— Yes.

4487. Will you hand it in to the Committee —Yes (*handing in the same*).

4488. Do you think that this is in exact con formity with the law?—I can see nothing wron in it.

4489. In this pawn-ticket you give your nam and address where you carry on your business?- Yes; but by the Act I am not obliged to giv that. Legally, I have only to give my residenc which is 24 miles away from the pawn office.

4490. In addition to the place where you carr on your business, you have printed on the tick the name of the place where you reside?- Yes.

4491. Do you also fill up all those blanks?- Yes.

4492. You put on your ticket the name of th person who has deposited the pledges, whether h is a housekeeper or whether he is a lodger?- We score out the one, whichever it is. If he is housekeeper we score out the "L," and if he is lodger we score out the "H."

4493. Is every ticket properly filled up?- Those are my orders; there might be a case which when we are very busy, they were not strictly carried out.

4494. Do your servants fill in the blank the counterfoil all the details which you fill up the ticket itself?—All we put there is the pri of the article, and that is put upon the bundle.

4495. Then the number is the index to th ticket?—Yes; the number is the only thing th leads us to the identification of the article.

4496. Is this pawn-ticket the ticket which y give to the person who has deposited the pled with you?—Yes; and the small part is past on the parcel.

4497. So that the number on the parcel co responds with the number on the pawn-ticket? Yes.

4498. Do you see any objection to having t rates which you charge and the amount of inter properly entered upon the pawn-tickets whi you give to the parties?—I see no objection the Act was made perfectly plain, but if the were fractional parts it would be almost impo sible to do so.

4499. Have you any suggestions to offer w regard to an alteration in the law?—I have ne seen the great benefit of selling the pledges abo 10 *s.* for the benefit of the overplus to the pa who pledges; my opinion is that they ought be forfeited to the pawnbroker as well as the l pledges.

4500. Then you would make the pawnbrol and the person who pledges with him agree up the value of the article, and leave no surplus? Yes; there is no surplus at any rate, and the fore I do not see the benefit of it.

4501. Have you any suggestion to make w reg

rd to the rate of interest?—I think there be very little addition to what exists if the tional parts were taken away.

02. Would you have a halfpenny for the t?—Yes; I can see no objection to that, but ver take a halfpenny for the sixpenny pledge.

03. For what amount do you charge a half- y?—For all above 6 *d.*

04. If a man gets 9 *d.* on a pledge do you ge him a halfpenny?—I have done it some- s, but I do not always do it; that is the law. entitled to charge a halfpenny on anything, I never do it for 6 *d.*, and sometimes not for

05. Then you only charge the interest?—

06. What would you propose should be the adopted?—Probably a halfpenny a month for night bring a fair profit to the pawnbroker, use everything is raised in price, and a half- y now is of less value than a farthing was the Pawnbrokers' Act passed, and therefore not see why there should not be an addition

07. A halfpenny a month added?—Yes, or part of a month.

08. You are in the habit of allowing certain of grace, of course, according to the Act?— but there are no days in the first month; is a week it is the same as a month.

09. Have you any other suggestion to make? do not recollect any.

10. Mr. *Crum-Ewing.*] You have handed in tement from June 20th, 1867 to April 27th, , showing the amount which you had ad- ed upon certain kinds of goods, the sums at h they were sold, and the loss sustained upon ; can you give us the total amount which have advanced during that period?—It is e.

11. Is this the whole business which you done?—Yes, that is the whole business. rything which I have sold by public sale is e. This includes high and low; I sell every- g by public auction. I have taken it in this : the amount of stock in 1858 was 4,052 *l.*; ve multiplied that three times, the capital of stock being turned over three times a year, therefore it brings it out at 12,156 *l.* as the unt which was advanced that year, and so all otation, showing the amount of the stock, ng the calculation at three times from that.

12. Then the loss upon unredeemed pledges ng that period was 271 *l.*?—Yes, in both es.

13. Was there no profit at all?—No, except 6 *d.* I never had a sale with a profit during whole two years, and the auction charges are n off. Those are just the sums that I received the auctioneer.

14. Then you will have a loss of about 350 *l.* n the 12,000 *l.*?—No, that is upon the two s, and the two offices are included there, be- e I could not separate them. At the other e, I calculate that it would be that year 27 *l.*

15. That makes 28,000 *l.* then?—Yes.

16. Mr. *Hambro.*] You have just made a strong remark respecting the police at Glas- ; will you tell me who manages the police at gow?—Mr. Smart did, but he died about a th since, and Mr. McCall has got into his ation about a month ago.

17. When the police were so inattentive to you, was Mr. Smart alive?—Yes. I find them inattentive in trying to find out the parties; but we find them very attentive if they can find the article in our books, to suit them to take it away. That is the simplest way to find stolen property, and therefore they make a show of it.

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4518. You say that you never had an auction sale which produced a profit in those two years; are you calculating, when you speak of profit, the amount at which you bought in the article?—I never buy in any of the articles. I suppose the auctioneer can show the book here to you just now. Everything goes.

4519. You told us just now that you had sustained a considerable loss; I suppose that is made up in some other part of your business?—On the goods that are lifted by persons where the interest is paid there is a profit.

4520. You get a profit which counterbalances that loss?—To a certain extent, but here are a year's profits, and you can judge of it. In that year I realized nothing, not even 5 per cent. for my money.

4521. Mr. Alderman *Carter.*] You mean upon the unredeemed pledges?—Altogether.

4522. Mr. *Morley.*] Why should you propose to charge a month for a fortnight?—There is one consideration, that it is not interest to the pawnbroker; it is to pay his expenses. His expenses are as great in taking in and giving out a pledge, supposing that it is put in just now and lifted within an hour. It costs me 1¾ *d.* for every pledge.

4523. Would it not be better to charge more interest than to charge the same for a month as you would for a fortnight?—If this were entirely interest it would be, but it is not interest, it is labour that that is to pay for. If it were for interest alone it might be a different thing.

4524. Mr. Alderman *Carter.*] That remark only applies to pledges of a small amount, I suppose?—The cost of the pledges altogether to me in expenses amounts to 1¾ *d.*, without anything for my own trouble.

4525. Mr. *Morley.*] I think I understood you to say that you did not believe in the principle of returning the surplus to the depositor?—I do not see the benefit of it to any person.

4526. But, surely, if there is a balance in his favour he ought to have it, ought he not? No doubt; but the restriction as it were does an injury. Upon all the forfeited pledges for the two years, high and low, I only made sixpence.

4527. What proportion of pledges are unredeemed?—I had about 10 in 100 fallen out at the Cross, and in Bridgeton from four to five.

4528. It is upon the unredeemed pledges that you get a profit, is it not?—That is a sample of the profit, a loss of 300 *l.* a year.

4529. Mr. Alderman *Carter.*] You get your profits out of those pledges which are redeemed, I presume?—Yes, anything which we do get.

4530. But you have a loss with those which are not redeemed?—Yes.

4531. Mr. *Morley.*] You told the honourable Chairman that you were quite willing that the charge should remain for a ticket; what reason is there that the charge should remain for the ticket?—Because it is to help to pay for the labour.

4532. Is it not the extra money which you charge for?—If an article is put in to-day and lies an hour we have just the same labour as if it were put in and laid there for a month.

4533. But

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4533. But the profit which you receive on the transaction is in the price which you charge, is it not?—Yes; but the small pledges do not nearly pay.

4534. Had you not better charge a higher price for them?—But we cannot; we are not allowed to do so.

4535. Would you not like that change to be made?—I think it would be a hardship upon the poor people.

4536. Mr. Alderman *Carter.*] Do I understand you that you do not get any profit whatever upon small pledges redeemed within a month?—Yes, that is so; the profit is only after they lie two or three months.

4537. Mr. *Hambro.*] You have seen that in the new Pawnbrokers' Bill it is proposed to reduce the time within which pledges should be redeemable from 12 months to six months; what is your view as to that?—I should be opposed to that, I must say.

4538. *Chairman.*] Will you give your reasons for opposing it?—I think that the 12 months is most suitable. If it were six months the people who wished to redeem their goods would neglect them, and the 12 months, as it were, puts them more in mind of the time. Another reason that I have is, that the brokers, or what are called "duffers," buy at our sales and re-pledge the goods. Just now they can only do it once a year, but they would be able to do it twice a year, if the time were six months.

4539. You think also that it is rather hard upon the poor?—Yes; I think that they would neglect goods which they intended to redeem.

4540. And you do not see that the 12 months would be in any way injurious to your trade?—I have seen nothing to alter my opinion as to that; but I think that the three months additional is objectionable.

4541. Mr. Alderman *Carter.*] You said, I think, when speaking of those losses on the sales, that the losses were occasioned principally by the deterioration of the goods, in consequence of the changes in the fashion; do you not think that your losses would be less if you sold at six months rather than at 12 months, as the fashion would not have changed so much?—I do not think so; because there are goods which have been pledged with pawnbokers, and have been going in and out probably for 12 years. Now those goods must be getting old fashioned.

4542. They must be cast iron, I should think, else they would have been worn out before that time?—I have had an eight-day clock in for 20 years.

4543. You spoke of pledges for 6 *d.*; are there many of those pledges?—We avoid them if possible, only we have to accommodate people whom we know.

4544. Are there many of them at 1 *s.*?—Yes; but I think that the greatest number will go from 2 *s.* to 2 *s.* 6 *d.* There are a very small number below that.

4545. Your average rises from a few articles being at a high price, I suppose?—Yes; at one of my shops at that place I took in a good many watches, and these watches increased the average.

4546. *Chairman.*] If an article of winter clothing be pledged in April or March, would there not be an advantage in selling it at the end of six months, when it would be wanted again for winter?—It might be an advantage in some cases, but it might not in others.

4547. In the case of blankets, when persons do not require them in spring, will they not be wanted in autumn?—Yes; I may state in regard to blankets that two-thirds of the blankets in the pawn offices in Glasgow are club blankets. There are very few blankets which have been worn by the parties. The club people press the blankets upon the people, and when they want money they are obliged to pledge them.

4548. Still, would not the blanket be worth more and be more competed for if it was sold in October than if it was sold April?—They are not competed for; they are the worst stock we have. I am overstocked with blankets, and other shops, are in the same position.

4549. Mr. *Crum-Ewing.*] How many club blankets may you have?—I have never counted them; but I suppose that I might in each stock probably have 200 pairs, making a rough guess at it, and there are not only the blankets, but there are the mats. They generally get people to take a pair of blankets and a carpet mat for 20 *s.*

4550. Have not the number of club-houses in Glasgow diminished?—No, they have increased. They used to be with regard to blankets and so on, but they are now with regard to family Bibles and clothing from tailors.

4551. *Chairman.*] You spoke of "duffers," do you mean that the "duffing" trade in Glasgow is different to what it is in London?—So far as I can hear the accounts of the "duffing" trade in London, they speak of watches and jewellery, but ours is more on account of the competition in lending on clothing. They can buy clothing at our sales and re-pledge at a profit.

4552. You really advance more money upon them than the persons have given who bought at the sales?—Yes.

4553. That is totally different from the "duffing" trade in London?—They speak about jewellery, and that is a very different matter.

4554. Are many of the pawnbrokers in Glasgow in the habit of keeping sale shops?—I think there are six or seven out of the 116 in Glasgow who keep sale shops.

4555. Are all of them in the habit of selling every pledge which they have by auction?—Yes.

4556. You have been secretary to the Pawnbrokers' Association; have many of them failed or become bankrupt?—I think as many, in proportion to the number of pawnbrokers, as any other trade; but I must say that they have never appeared at Glasgow in the bankrupt lists; they have mostly signed trust deeds; and I know a good many such cases within the last few years.

4557. In the paper which you have handed in you give the amount of your profits during the year 1867, and during the year 1868, and you make the profit from June 1867 to May 1868 which is 12 months, 504 *l.* 5 *s.* 9 *d*; you make the expenses of carrying on the business 281 *l.* 13 *s.* 3 *d.*, and you put the value of the premises at 90 *l.* rent?—The reason why I do that is, that those were premises which were my own, and that was the valued rental of them.

4558. Is that for both establishments, or only one?—For the one in the Salt Market.

4559. You put the loss on forfeited goods at 129 *l.* 9 *s.* 7½ *d.*?—Yes, I have taken the hal

he loss, although the loss would be greater on forfeited goods from Salt Market.

560. You make the total expenses 501 *l.* 2 *s.* , against 504 *l.* 5 *s.* 9 *d.*; then you put the unt of stock, and you charge 5 per cent. in- st upon it, which makes 156 *l.* 5 *s.*, so that, in you make a loss of 153 *l.* 2 *s.* 2 *d.*?—Yes.

561. But you say that the 104 *l.* is charged in expenses as being 2 *l.* per week for yourself, consequently, you made an actual loss of 2 *s.* 2 *d* ?—Yes, that year.

562. Is that a thing which has occurred often e conduct of your business?—That is the case he last two or three years, and that was one on why I was induced to give up that busi- , because I did not find it to pay.

563. That was owing to the peculiar circum- ces of that business?—Not the peculiar cir- stances, but the great loss on the forfeited s.

564. Having given the Committee the balance t of the one business, are you prepared to the balance sheet of the other?—I did not it with me; I may state that the other ness is a better paying business, for this on; that the goods are better lifted, and the ey is lent three and a-half times a year there, reas it was only turned three times at the s.

565. Then it would be very unfair for the mittee to presume that this represents the broking business in Glasgow?—I think it esents it in the central parts of Glasgow to a great extent.

566. Mr. *Crum-Ewing.*] As you have given e statement, perhaps you would not object to us the other?—I should have no objection so; I may state that that is a business which little better. In the Bridgeton district the ls are of a better class, and are better lifted, probably the loss on the sales was a little less, gh I have divided it there; but I have sold Bridgeton business, and I give it up entirely on 1st of August.

567. *Chairman.*] You are retiring from busi- altogether?—Yes, altogether.

568. Have you ever been in any other busi- ?—No, but I have a great deal of property les that.

569. Still the pawnbroking business has been business in which you have occupied your ?—Yes.

570. Will you state to the Committee what nium you got for the business which you e sold?—I have sold it in this way: that I 10 per cent. upon the money advanced; but this 10 per cent. is already belonging to it, because there is that 10 per cent. due upon the goods.

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4571. You have adopted the same plan that they adopt in London; you have sold your business for the money advanced with 10 per cent. additional?—Yes.

4572. The person who has bought the business has taken upon himself the responsibility of all the pledges, and gives you 10 per cent. upon the money advanced?—Yes.

4573. And he pays you a rent for your premises?—Yes; he has a lease for 10 years at the valued rent of 50 *l.* The Cross-place I sold to the town; this is my property also in Bridgeton, and that is the rental.

4574. The Committee are to understand that the business which you have sold is a much better one than the business at the Cross?—It pays better for the amount of money.

4575. And you are able to turn your capital over three times in the year?—Three times at the Cross and three and a-half times at Bridgetown.

4576. Mr. *Hambro.*] And sometimes four times?—No, it could not be; I have a calculation in some of those papers showing that it is only three and a-half times.

4577. *Chairman.*] Is there anything which you have omitted to state to the Committee which you would like to communicate to them?—I do not remember anything.

4578. Mr. Alderman *Carter.*] I understood you to say that you had 200 pairs of club blankets; did you say that there were club bibles as well as club blankets?—The bibles for which the parties pay 30 *s.* do not realise at the public sales the money advanced, and not much more than the price of the binding; the auctioneers will probably have 200 or 300 bibles to sell at every quarterly sale.

4579. All from pawnbrokers?—All from pawnbrokers; 20 parties agree to buy some bibles and they pay each a 1 *s.* a week, and they draw lots who shall have the first bible and so on.

4580. Do they do so with wearing apparel and blankets in the same way?—I cannot speak as to that; they get club blankets by paying so much a week.

4581. Mr. *Crum-Ewing.*] The Arrestment of Wages Bill being passed now will prevent that a good deal, will it not?—It will have that effect.

4582. Against the club shops?—There will be less of those goods got unless the club agents risk more.

Mr. Arthur Davidson, called in; and Examined.

583. *Chairman.*] Are you a partner in the of Davidson and Company, Auctioneers, in sgow?—Yes.

584. Are you the person who officiates as tioneer?—Yes.

585. Are you in the habit of selling unre- med pledges?—Yes.

586. Are you employed by many of the pawn- kers of Glasgow to do so?—I think that during time I have been employed by the whole of n; but I cannot be employed by the whole of n in one year, because there are four or five us in the same trade.

587. How often have you sales?—During the last 12 months, I think, that with the exception of a fortnight in January, and a fortnight in July, that is the holiday time, I only lost three days except Saturdays and Sabbaths. I am in the habit of selling five days in the week, day and night, commencing at half-past twelve in the morning, and at half-past seven in the evening.

Mr. *A. Davidson.*

4588. Were those sales altogether of unredeemed pledges?—I sell for other people as well; I often have furniture sales and jewellery sales going on. During the last year I have been employed four days a week in the sale of unredeemed pledges.

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4589. What is the value of a day's sale of unredeemed pledges?—They vary greatly from perhaps 150 *l.* to 30 *l.*

4590. The last witness told us that every article which was pawned with him was sold under the hammer; are you in the habit of selling for Mr. Scoular?—Yes.

4591. Do you advertise articles which are sold of a lower value than 10 *s.*?—I advertise them in the bills which we post through the public streets of Glasgow.

4592. Are they included under the term "miscellaneous articles"?—No, that means odd articles.

4593. Can you produce an advertisement showing us that you were going to sell pledges under 10 *s.*?—This bill (*producing a paper*) would contain it; a set of studs, for instance, or a pencil case, or a pair of ear-rings.

4594. But these bills, showing persons that they will have the opportunity of buying jewellery and ornaments, do not show persons that they will have the opportunity of buying clothing?—The bill before you is exclusively of a jewellery sale.

4595. If the bill had been intended to include clothing, would it have been shown on the face of the bill that clothing as well as jewellery would be sold?—Yes; we generally commence with gold and silver watches, jewellery, clothes, napery, and miscellaneous goods.

4596. What are the persons who generally attend those sales?—Principally brokers, or people who keep second-hand goods shops.

4597. Do very few of the public come?—Some days we have a great number of the public, but the principal purchasers are brokers.

4598. No pawnbrokers?—No pawnbrokers; the pawnbrokers have no opportunity of selling them.

4599. But the pawnbrokers who keep sale shops have an opportunity of selling them?—I do not know whether they can sell them on their own premises. They do generally, if they can manage it, under 10 *s.*, but I do not know many of them in Glasgow who do.

4600. Are there no pawnbrokers in Glasgow who have shops in which they sell the pledges, and other articles as well?—I ran that through in my mind coming up in the train, and I think there are six pawn offices in Glasgow which have sale shops attached.

4601. Do not those six pawnbrokers purchase articles at your sales, just as any other broker would do?—No.

4602. Do you never see those pawnbrokers who have sale shops at your auctions attending the sales?—No.

4603. Where do they get their goods?—They get them from their own stock as they fall out or become forfeits.

4604. But if they are forfeited, and above the value of 10 *s.*, they are bound to sell them by auction, are they not?—Then they are sold by auction.

4605. Then cannot they come and buy them at the auction?—Yes, they can, the same as the other part of the public, the sale being a public one.

4606. Do they not do so?—The cases are very very exceptional.

4607. Do those pawnbrokers who have sale shops never put a reserve price on those articles which are put under your hammer when they are above 10 *s.* or below 10 *l.*?—I have had a case or two where a pawnbroker would say to me before I began the sale, "I have advanced 5 *l.* upon that watch; I want the lent money," and of course in such a case I would buy the watch back and give it to the pawnbroker; but the probability is that it would come back to me again, he being compelled by Act to sell by auction, and this not being done, cannot sell any other way; it is a very rare thing.

4608. Does not the pawnbroker appear there as a bidder; is he not watching the sale as it goes on?—Of course; he hands up the goods to me.

4609. If he does not buy the goods himself, he might have someone who might be agreed upon to buy for him, might he not?—I should know that at once; I know all my buyers. That is what we term in other sales, such as furniture sales, where cabinet makers are in the habit of putting goods in auctions, "white-hatting," or people attending sales for the purpose of standing behind a lady or gentleman bidding for goods and running them on them.

4610. It is not the case of pawnbrokers' sales in Glasgow as it is in London, that the person who sends the goods to be sold regularly bids for the goods himself?—No, it is very exceptional.

4611. Do you think that the articles sold at those sales have as good a chance of fetching their real value as if sold by any other process?—We give every facility for making those sales known, and the auctioneer, not the pawnbroker, is compelled by Act of Parliament to advertise all those sales in two papers two days previous to the sales. That Bill that you have before you just now we would advertise as often as eight, nine or ten times in all the different papers both in Edinburgh and Glasgow, for the purpose of having as many at the sale as possible.

4612. What is the meaning of "high pledges?"—All goods advanced upon by pawnbroker above 10 *s.* and under 10 *l.*

4613. What do you mean by "private loans?"—All sums above 10 *l.*

4614. Have you your books here which show the amount realized?—Yes (*producing the Books*). Those are the sales from October to December 1868.

4615. Does this show the person on whose behalf the sale is made?—It does. (*explaining the Books*).

4616. The first column is the price at which the article is sold, I presume; what is the second column?—Cash received at the time of the sale. I have no reserve price.

4617. Mr. Alderman *Carter.*] Does the pawnbroker give you a list of the articles for sale, for the purpose of getting money at the sale?—No; this bill guides me at the sale. I take one of those with the heading off. The pawnbroker provides a M.S. catalogue so that I may have the bills printed.

4618. Then the article is handed up to you without your having in your hand a list of the articles themselves?—Without any list from the pawnbroker. I know nothing at all except as I have stated in very very rare instances, as to what is advanced on the goods. I am there for the purpose of selling as well as I can.

4619. That is perfectly understood; but supposing a pawnbroker were to bid for his own goods, would you accept that as a proper bid?—Certainly, because I look upon the pawnbroker as having only a lien over the goods, and as having

ng a right to produce his money which he has anced. Of course I rebel if they attempt to nything of that sort, and will not allow them. commission being paid for goods bought back, auctioneer can have no interest in selling ls to the pawnbroker at his own sale.

620. *Chairman.*] Here is a sale of the Glas- Equitable Loan Company's jewellery on the h of December 1868. There is an entry here gold lever watch, No. 20,481, and here is a ginal price of 108*s.*, and no value is carried ; what does that mean?—That has gone back he pawnbroker's.

621. Is that a reserved price below which it not to be sold?—Yes.

622. Then I find again a rifle gun 47*s.*, that ot entered out?—That is exactly the same.

623. I find another gold lever 118*s.*, has that e back to the pawnbroker?—Yes.

624. Mr. Alderman *Carter.*] In the case when said that it went back to the pawnbroker's, I to understand that it was knocked down at ice under the reserved bid, or was it knocked n to the pawnbroker at the reserve bid?—I scarcely understand what is meant by a re- e bid.

625. In the case of this gold watch, the pawn- ker has to sell it, and according to law he t sell it by auction; it is handed over to you he auctioneer, and you put it up, do you not ck it down to somebody?—Yes.

626. Then you will knock it down to the nbroker?—Yes. As far as I can read the vnbrokers Act I understand that the pawn- ker having advanced, we will say 2*l.* or 3*l.*, so, upon the article, is interested to that unt. It may be a very bad sale, because ons will occur when sales are bad and sales good. If his goods are not going well, as h for his own protection as for the protection he pledger, the article is knocked down to the nbroker. In the instance which has been tioned in that sale I know perfectly well that lgers are regularly in the habit of coming k for overplus, so that in all probability I have l those watches since, or I may have to sell m again, they having no sale-room of their , and also explanation given to 4607.

627. *Chairman.*] A set of studs with reserved e of 9*s.* was not sold?—You see the obvious son there; more than 10*s.* had been lent upon n; that is a high pledge.

628. Here is a diamond ring with a reserve 303*s.*?—That is a private loan.

629. Here is another article with a reserve 195*s.*?—That would be a private loan, I nk.

630. Here is a diamond ring with a reserve 45*s.*; that cannot be a private loan?—That is t of a lot.

631. You say that where a private loan has n advanced upon several articles, if one article f less value than 10*l.* you sell it, and feel that have power to control the sale?—The pawn- ker may consider that he is losing upon the nsaction; besides, private loans are not pawn- king transactions at all, they do not require sell them by auction unless they choose.

632. And, therefore, the pawnbroker con- trols the sale?—No, the auctioneer controls the sale; were the pawnbrokers to attempt to control the sale they would have none, as the dealers would not attend.

4633. Mr. *Hambro.*] Do the pawnbrokers sell the things for less than they are worth in the market?—No; the pawnbroker may have the power of putting a bid into a sale with an article which the auctioneer considers under value.

4634. If the things go for less than they are really worth, does the pawnbroker buy them back again?—No.

4635. Who buys them again?—The dealers. The cases are very rare where things are bought back.

4636. Do they generally fetch their value?—No, they do not often draw the advanced money.

4637. And yet the pawnbroker allows them to go for nothing?—No, he does not allow them to go for nothing.

4638. You said just now that he let them go for anything?—Yes, for whatever is bid for them, in a great number of instances. Nothing and anything are different words.

4639. You do not mean to tell the Committee that a pawnbroker who has a heap of things to be sold by auction, lets them go for a few pence or a few shillings, when they are worth a great many pounds?—No, I do not think he does. Such a case never has occurred in my experience, there are always some persons at the sales who know about the value of the goods and would not allow such a thing to occur.

4640. Mr. Alderman *Carter.*] Do you find in practice, as an auctioneer, that the majority of articles that are put up do go at the price bid for them, without any interference on the part of the pawnbroker?—Yes; I have sold week after week for pawnbrokers, and never an article has been bought in.

4641. Mr. *Plimsoll.*] I believe it is the case in Glasgow and the neighbourhood, that many of the pawnbrokers have no sale shops at all, and are obliged to sell their unredeemed pledges by auction?—Yes; they are obliged to send them to auction sales.

4642. And unredeemed pledges being but a small proportion of the whole property pledged with them, they are content to let them fetch what they will, even though the sale involves a loss?—Yes. Perhaps my idea may be rather a peculiar one upon that subject, but I look upon it that the money realised for the forfeited goods of a pawnbroker ought to represent in value his gross profit.

4643. Mr. Alderman *Carter.*] We have it in evidence here, that there are in Edinburgh many sham sales got up for the sale of pawnbrokers' pledges, is that correct?—That remark was applied to Glasgow as well, and I am very glad that you have given me the opportunity of mentioning it. Since I commenced as an auctioneer, in 1861, I have never known, either in Edinburgh or Glasgow, of a single pawnbroker having his goods sold on his premises.

4644. If that was anything like a general practice in Edinburgh you would know it?—Certainly. I receive catalogues frequently from auctioneers in Edinburgh advertising their sales.

Thursday, 21st July 1870.

MEMBERS PRESENT:

Mr. Richard Arkwright.	Mr. Crum-Ewing.
Mr. Ayrton.	Mr. Morley.
Colonel Beresford.	Mr. Orr Ewing.
Mr. Alderman Carter.	Mr. Whitwell.

JOHN WHITWELL, Esq., in the Chair.

Sir William Bodkin, Knight, called in; and Examined.

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4645. *Chairman.*] You are Assistant Judge of the Middlesex Court of Session, are you not?—I am.

4646. The Committee have requested your attendance on this occasion, as they wish to have the advantage of your experience as to the operation of the existing laws for the regulation of pawnbrokers; have you any suggestions to offer with regard to the proposals for altering the law?—I do not feel competent to give any opinion at all upon the subject with which this Bill is prepared; that is, to alter the rates upon which pledges are received and redeemed, as I have no experience upon that subject.

4647. If Parliament legislates, it would wish to legislate in the direction of improving the law upon all other matters as well as upon the question of altering the rates; are there any points other than that upon which you can inform the Committee?—The only opportunity which I have had of judging of the way in which pawnbroking is conducted is in courts of criminal judicature; of course, the Committee are aware that a very large proportion of stolen property finds its way into the hands of persons who carry on this trade.

4648. From your experience, do you find that most of the property stolen finds its way into the hands of pawnbrokers?—A very considerable portion, certainly.

4649. Have you found the pawnbrokers generally willing to give all the information which may be necessary to accomplish the ends of justice?—I should be sorry to say that there are not some pawnbrokers who conducted their business in a most respectable manner, and are very respectable persons; but I cannot extend that opinion to all, because we have frequently cases before us in which the utmost recklessness is shown in the reception of property, which turns out afterwards to be stolen.

4650. Do you think that the law, if it were altered, should give any additional power to the police?—I do not know that the police require more power than they possess now; the Legislature itself has thought that the fact of a pawnbroker forfeiting the money which he advances on property which is stolen, is a sufficient check upon any carelessness in the reception of such property; but I do not think that it is sufficient.

4651. In what way would you recommend that it should be enlarged?—I think, speaking with very great submission upon such a subject, that if gross carelessness were exhibited, and it were proved in any case to the satisfaction of the court, and of the jury who were trying the case, that there had been gross carelessness on the part of the pawnbroker or of his assistants (for those things are generally done by assistants and not by the principals), there should be some method of recording that by special endorsement of the license, or some measure of that sort, which after repeated instances being proved, ought to work prejudicially to the pawnbroker, either by the forfeiture of his license, or in some other way that the wisdom of Parliament might suggest.

4652. It has been suggested that as the business of pawnbroking is one which involves a great amount of contact with persons of bad character, only proper parties should be allowed to take out license; what is your opinion upon that point?—I do not know that any discretion is exercised any man can take out a license as a pawnbroker; but if that is so according to the present law, it might be useful to call upon such persons to enter into securities or recognizances for conducting their trade properly.

4653. You do not think it desirable that persons taking out licenses should obtain them from some bench of magistrates, or from some persons who are cognizant of their character?—Any method which in the wisdom of Parliament it might be considered would have the effect of confining the trade of pawnbrokers to persons of respectability would no doubt be useful; but whether it should be by transferring the right of granting license to magistrates or not, I am not prepared to say.

4654. In your opinion, would there not be danger of inflicting injury on the persons who pawned goods, if the number of pawnbrokers were limited?—I think the trade of pawnbrokers if properly exercised, is of very great convenience to the poorer class of the people.

4655. Have many instances of hardship of persons who have pawned goods come before you?—Those are not the kind of cases that would come before me. They would come before the police magistrates in the police courts. I believe that there are such cases.

4656. Have all the cases which have come before you been cases of detection of crime on account of goods being pledged with pawnbrokers?—Entirely.

4657. Do you think that there is any necessity to grant power to the police to search the houses of pawnbrokers, or to investigate their books, or any other facilities?—One would shrink from giving a power to search a man's house, unless there were very strong grounds for it.

4658. And

4658. And that can always be done by grant- a warrant?—Certainly.

4659. Are there any other matters which ike you as important to communicate to the mmittee?—It has occurred to me that if courts riminal jurisdiction had power to endorse upon license of a pawnbroker that on a certain it appeared that he or his assistants had ed in a reckless and grossly careless manner the reception of stolen goods, that being en- sed upon his license, and being repeated in number of instances that might be thought per, then some serious consequences ought to ult to the pawnbroker. You cannot reach the ncipal; those matters are left entirely to ng men assistants, and you have before you sons who really are not otherwise interested n as being servants of the principal; but if endorsed on the license, or in some way orded acts of carelessness even on the part of istants, and you ultimately made the principal ponsible, it certainly would work beneficially the public so far as my experience goes.

4660. It has been stated here that very few es of stolen property, especially of plate and ellery, are brought before the court without being necessary to call in as a witness a vnbroker or his assistant; does your expe- nce confirm that?—It is very constantly the e; there are some exceptions, perhaps, in the her class of thieves, who deal very largely h stolen property, and who have other means disposing of it; but, in the general run of es, a robbery finds its way to the pawn- ker.

4661. The necessity of a pawnbroker exer- ng great care presents itself to your mind, ause it would be impossible to restrict a pawn- ker from taking in any description of pledges? do not know how you can restrict them, ex- t by inducing every man to conduct his busi- s honestly.

4662. It has been stated that plate bearing sts and initials has been pawned successively r and over again, would you think that it was all possible to prevent a pawnbroker from ing in such a pledge?—It is difficult to judge, ess you have all the circumstances of the case ore you; I know that it is very frequently case that butlers and persons in that posi- n in gentlemen's families, are in the habit of rying some of their masters' plate to the pawn- kers, and although it has the crest, and all the gnia of ownership upon it, money is advanced n it. This is very frequently done for the ommodation of the butler, and he takes that te out again, and restores it to his employer. t there have been cases before me in which, ere there have been ineffectual attempts to se the crest or the marks, the plate had still n received by the pawnbroker.

4663. Those are cases in which you think that pawnbroker ought to have been declared ating in caution?—Just so, and if he were y to be declared wanting in caution, not only the judge, but by the jury who tries the case; ink anyone would be safe, that there would no unnecessary severity shown.

4664. Then how would you put it to enable matter to be referred to a jury for decision, ld you leave it in the hands of the judge?— can now ask the jury whether they are of nion that there has been serious carelessness wn by the pawnbroker's assistant in the .108.

reception of stolen property, and if they say, yes, we do not allow the expenses to the witness; but that is the only discretion we have in the matter.

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4665. But still you allow him to go back to his shop and do the same thing over and over again?—Certainly; we have no means of preventing him.

4666. Mr. *Orr Ewing.*] You think that if a pawnbroker is proved to the satisfaction of a judge and jury to have recklessly taken in pledges, which were afterwards discovered to be stolen property, he should be deprived of his license?—After a certain number of instances of that sort.

4667. Are you aware that at present the license is granted by the Inland Revenue?—Yes.

4668. It is granted merely upon the payment of a sum of money, without any inquiries as to the character of the individual?—That is so.

4669. Would you suggest that the Inland Revenue should be informed by the magistrates of a party who had been guilty of transgressing the law in that way, and that they should have the power of refusing the license?—I think that the Inland Revenue, if they found upon a man's license a certain number of indorsements of the kind which I indicate, would refuse to renew it.

4670. Do you not think it better that the pawnbroker should be put under the magistrates generally and that the Inland Revenue should only grant licenses to such parties as the magistrates approved of?—That is giving to the magistrates the same power over pawnbrokers as they now possess over public-houses and beer-houses; I doubt the policy of that myself.

4671. No respectable pawnbroker would suffer from that, I presume?—No, I should suppose that, generally speaking, a man who carries on a pawnbroker's trade bears a fair character, and is such a man as the magistrates could not refuse to grant a license to.

4672. You shrink from advising that the law should be changed, giving the police or the detective branch of the police the power to examine the books, and giving the magistrates power to stop the pawnbroker's license?—I should shrink from that, certainly; because at present there is power, upon any reasonable supposition that there is stolen property, to obtain a warrant from a magistrate to search a person's house whether he is a pawnbroker or not.

4673. You admit that a great deal of stolen property finds its way to the pawnbroker's?—No doubt it does.

4674. If a warrant is granted for searching for stolen property in a pawnbroker's, it is only granted as to an individual shop, I presume?—Yes.

4675. He would not give a general warrant to search all pawnbrokers?—Clearly not.

4676. If information was given to the police that certain property was stolen, and if there was no clue given as to which pawnbroking establishment, would it, in your opinion, tend to any benefit to give such warrant against one pawnbroking establishment?—You would not give a search warrant to that one unless there were strong grounds for the belief that the property was there.

4677. Therefore it would be of no benefit unless you had strong evidence that the property was there?—No.

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4678. But is it not a very difficult thing to find out where property stolen during the night may be pledged?—No doubt it is. That is one of the inconveniences to which society must be subject I am afraid.

4679. Is it not frequently the case that when a thief is apprehended they find on his person or in his house a large number of pawn tickets?—Certainly.

4680. When, perhaps not by the pawnbrokers' own fault, but by reason of the facility which it gives to a thief, much stolen property finds its way to the pawnbrokers, do you not think that it would be for the benefit of the public that a general authority should be given to the detective portion of the police force to go into all establishments to examine their books and their property?—I should doubt very much if Parliament, in these days particularly, would ever sanction such a power as that.

4681. But do you not think that it would be for the benefit of the public that the police should have power to search all establishments, in the event of their knowing of a theft?—If I understand the honourable Member to suggest that, supposing a robbery is known to have been committed in a neighbourhood, or in some particular locality, the police ought to have a general authority and power to search all pawnbrokers; it appears to me that it would be much better that that should be done under the warrant of a magistrate.

4682. Are you aware that in Glasgow the police have the power of going in daily to see the books of pawnbrokers?—I am not aware of that; but I can quite understand that such a power would work usefully.

4683. Do you think that it would not tend to prevent stolen goods being pledged if the police had such power?—I have no doubt that it would have the effect of preventing instances of the pawning of stolen goods.

4684. Do you not think that everything should be done to prevent the facility of selling stolen property?—Consistently with the freedom which every branch of trade is supposed in this country to be allowed to be carried on.

4685. Pawnbroking you seem to think is useful to the poorer classes?—No doubt it is of very great use to the poorer classes.

4686. Do you extend that remark to the lowest amount pledged; for instance, 6*d.* or 1*s.*?—I think it is in those small instances that pawnbroking is most useful to the poorer classes.

4687. Do you think that it is a system that can do much good to the poorer classes to enable them to pledge for amounts so small as 1*s.* or 2*s.*?—I think so.

4688. Are you aware that in France they do not allow smaller pledges than 2*s.* 6*d.* to be made?—I am not aware of that.

4689. Do you not think that the present state of society may have grown up from the vicious system of getting those small amounts, and that it may be more necessary on that account than from any other principle?—I have certainly seen many instances, not in court, but out of court, of poor people who would be dreadfully distressed if they could not raise even 1*s.* on some article of dress, probably to provide them with food for the day.

4690. We have had a great deal of evidence that those small sums generally go in the purchase of drink, have you any knowledge of that?—I have no knowledge of that, except that which every member of society has, that drinking is unfortunately far too prevalent, and I dare say that in a great many instances small sums raised in that way may be carried to the gin palace.

4691. Have you many applicants before you for certificates for the loss of tickets?—No, those are at the magistrates' courts.

4692. Mr. *R. Arkwright.*] Do you think that the fact of the pawnbrokers being obliged to keep pledges for a year is beneficial to the pawners, and that they attach much value to it?—I have already said that upon the general subject of the Bill, I do not feel myself qualified to give any decided opinion.

4693. Mr. Alderman *Carter.*] Is it not, in your opinien, a misfortune to a pawnbroker to receive a stolen article in pledge?—If it is discovered.

4694. As far as your experience goes, do you find the pawnbrokers giving facilities to the police to find stolen property?—I have already said that in some instances there are, no doubt, persons of great respectability carrying on this trade in a proper manner, but if I were to say that, upon the whole, there are facilities given in those cases by the pawnbrokers to the police, my experience would not justify me in saying so.

4695. I take it that as the law stands now, it is against the interest of the pawnbroker in every respect to give facilities, inasmuch as he very often loses the amount?—He always does lose the amount.

4696. And he very often sacrifices the time of himself and his assistants in giving evidence, does he not?—No doubt.

4697. So that as the law stands now, in your opinion, it is against the interest of the pawnbroker to give facilities?—Yes.

4698. Nevertheless you find, in your experience, that they do give facilities to the public?—Yes, in many instances, but not as a general rule.

4699. Does not the fact of pawning stolen property very often lead to the detection of robbery, through the ticket?—Very often.

4700. The ticket is found upon the thief, and from the ticket the police are led to the pawnbrokers, and to the goods themselves?—Yes, no doubt.

4701. Is it not your opinion, that if greater restrictions were put upon pawnbrokers, and they were deterred from receiving stolen property, that property would be disposed of at the second-hand sale shops, or places where there would be no ticket whatever, and no means to lead to information and detection in other ways, and that the police would have less facility for finding out that it was stolen property?—I am not aware of any mode in which people, generally speaking, in possession of stolen property, would get rid of it as they do through pawnbrokers.

4702. Do they not get rid of it through what are called receivers?—No doubt.

4703. Is there any ticket or any acknowledgement whatever from those receivers which can ever get into the hands of the police, so as to lead to detection?—None.

4704. I believe there are about 430 pawnbrokers in London; to how many of those would you apply the remark that facilities are not given for the recovery of stolen property?—I could only judge of those who came before me.

4705. As far as your observation goes, you ould say that the pawnbrokers generally are a spectable class of men?—I believe many of em to be so.

4706. *Chairman.*] The honourable Member r Dumbarton suggested that it might be desirble to restrict the amount of money advanced pledges, and not to go above a certain sum; a poor person wanted to raise a sum, what her mode would he have of raising that sum less he went and sold his goods at a disadvange?—There is a new description of trade which s sprung up in modern times, called "dolly ops," or "receiving shops," or "leaving shops," pt by persons without any license, and without e responsibility of pawnbrokers, and they allow or people to leave bundles and articles of that rt, and they advance money upon them. That actice comes frequently before us.

4707. Do you think that such cases would crease if no legitimate trade of pawnbroking re allowed?—I have no doubt that that would so.

4708. Is it not better to have a legalised system of pawnbroking than to increase that kind of establishment?—No doubt.

4709. Mr. Alderman *Carter.*] Is it within your knowledge that in many cases the parties keeping those leaving shops sell the goods contrary to the agreement, and that complaints are made afterwards that goods have not been kept a reasonable time to allow the parties to redeem?—I have had many instances of the most fraudulent conduct on the part of the people keeping those leaving shops.

4710. So that in your opinion those shops ought to be properly licensed, and conduct their business under restrictions?—I think they ought to be prevented from carrying on any trade of the kind.

4711. *Chairman.*] Is there any other observation which has occurred to you to communicate to the Committee, in addition to what you have said?—It does not occur to me that I can say anything else that is likely to be of use to the Committee.

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Mr. George Russell called in; and Examined.

4712. *Chairman.*] You are the Manager of e Equitable Loan Company of Scotland, are u not?—I am.

4713. Where do you carry on business?—At . 4, Mill-square, Edinburgh.

4714. Have you any other establishment than t?—None other.

4715. What amount of capital do you employ your business?—£. 27,000.

4716. How is that capital raised?—In 3,000 res of 9 *l.* each.

4717. Is the whole amount paid up?—The ole amount of stock is 75,000 *l.*, in 3,000 res of 25 *l.*; but only 25,000 *l.* paid, being 9 *l.* share.

4718. Is the whole amount invested and emyed in this trade?—The whole amount is inted and employed in this trade.

4719. Will you state the number of pledges ceived at your establishment in one year?—000 per annum.

4720. How many of those pledges were dged for a sum less than 2 *s.*?—Somewhere ut 700 per month, or 8,400 in a year.

4721. What is the lowest amount which you vance on those pledges?—We do not care ut taking in many under 2 *s.*

4722. But do you advance a lesser sum than ?—We do.

4723. What is the lowest sum which you vance on those pledges?—Never below 1 *s.*

4724. If a person pledges with you a suit of hes, do you give a ticket for each article of ss?—Never.

4725. You do not divide pledges?—Never; rather put them together to save labour.

4726. Then, even if a person pledged several cles of a different kind, would you put them one ticket?—We should probably ask the ty, and of course we abide by his wish.

4727. Mr. Alderman *Carter.*] Supposing it e a shawl and a watch, how would you treat n?—Those would be separate pledges.

4728. *Chairman.*] But a shawl and a gown would put as one article in one pledge, and one ticket?—In one pledge and on one ket.

4729. Can you give us the average amount lent on each pledge received by your company in the year?—It is 11 *s.* 3 *d.*, I believe.

4730. What number of pledges do you receive above the value of 10 *l.*?—Our average of what we call deposits are about 20 a month, sometimes more and sometimes less.

4731. In taking your average of 11 *s.*, do you include pledges above 10 *l.*?—We do. The average without those above 10 *l.* is 9 *s.* 8 *d.*

4732. On what day of the week is the greatest number of pledges lodged with you?—On Monday.

4733. And on what day are they redeemed?—We have what we call a very small weekly return trade. We find that those small pledges do not pay us unless they stop with us from four to five months; therefore, we do not care about touching them.

4734. Your pledges are principally deposited with you for a longer time than one week?—Generally.

4735. Can you tell us the number of articles out of the 72,000 which are redeemed within one week?—About 800 or 900 per week.

4736. Can you tell us the number of pledges which lie with you for one month?—I can hardly say, but I should think about one-third.

4737. Of course you cannot say accurately how many lie with you for two months, and how many for three months, and how many for four months?—If they are not taken out in the first month, they have every chance to lie two or three months.

4738. How many pledges out of the 72,000 rest with you for the twelve months, and become yours by being forfeited?—They average somewhere about 10 per cent. unredeemed.

4739. In what way do you dispose of those pledges?—By public auction. We have a periodical sale every two months. We advertise in every paper in Edinburgh, and very frequently in the "Glasgow Herald," and in the "Glasgow Daily Mail" (*handing in a copy of a catalogue*). Every article there is exposed to view one day before the sale.

4740. Have you a sale shop in which you sell pledges?—

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pledges?—We have a small shop up the High-street, but we have very little in it. We have a lease of the premises, and we are just keeping it open. There are two girls there, but we do very little there. It is only for the sale of the low pledges, but very few of those; we generally sell them by auction.

4741. How do you dispose of the high pledges?—All by auction.

4742. Where is the sale conducted?—At 79, George-street, in the new town of Edinburgh, by Messrs. J. and G. Smith, auctioneers.

4743. Are the pledges sold on their premises?—The pledges are sold on their premises.

4744. One of the witnesses produced an advertisement of the sale of goods by the Equitable Company, where the sale was conducted on the premises of the company; that is not yours?—Not ours.

4745. Yours are openly conducted?—Always.

4746. And they are advertised for the public to attend them?—Six weeks before the sale.

4747. Are they largely attended by the public?—They are attended largely by the public.

4748. Is it your habit to put a reserved price upon the articles sold?—I only put the price which is lent upon the goods; no other reserve. We let them go at whatever money they bring. Sometimes we lose by our sales, and sometimes not.

4749. Is the fact of the money advanced on those pledges, being placed in a book, an indication to the auctioneer that he is not to sell below that price?—It is no indication, it is only a guide to him. He lets everything go at whatever it brings.

4750. In any case, do you reserve any article?—I have done so, but I found that the second time of trying was always worst, and the first loss was the best.

4751. Have you your sale books to show the mode in which he conducts those sales?—I have not it here, but we have a sale book for the purpose.

4752. If a watch on which you had advanced 10 *l.* being unappreciated by the audience, was going for 8 *l.*, what would you do in that case?—Let it go. I would let it go for 5 *l.* if we had 10 *l.* advanced upon it.

4753. It is your invariable practice to sell everything without reserve?—Everything without reserve.

4754. How long has your business been conducted?—Since the year 1824.

4755. Can you tell the Committee what is the average dividend paid upon your share capital?—Five per cent. up to the year 1861, 5½ per cent. in 1863, and 7 per cent. since.

4756. Do you lay by any reserve fund?—We have a very small one; it is not much above 1,000 *l.*

4757. Do you insure?—Yes, we are fully insured.

4758. Is that for the value which you have advanced?—That is for the value which we have advanced.

4759. What rent do you pay for your premises?—The property is our own, but we paid for the property about 3,400 *l.*

4760. Then the value of the property is included in the capital?—It is included in the capital.

4761. So that really there is only 23,000 *l.* invested in the pledges?—We have a sinking fund, as we call it, invested, and also we deal with the Union Bank; and I am sorry to say that we are never out of debt.

4762. What is the amount of your sinking fund?—Fifteen hundred pounds, I think, just now.

4763. In addition to your dividends of 5, 5½, and 7 per cent., you have invested 1,500 *l.*?—We have invested 1,500 *l.*

4764. How much did you invest last year?—Between 300 *l.* and 400 *l.*

4765. How much did you lay aside the year before?—I do not think we had anything to invest the year before. It was a very bad season. We lost so much by our sales by auction. We lost 40 *l.* by one sale, and somewhere about 30 *l.* by another, and it took away the whole surplus.

4766. Then, after all, a good deal of the produce of your business depends upon the produce of your sales?—Very much so.

4767. And the proceeds of your sales depend upon the way in which you make your advances?—Yes.

4768. If you advanced too much upon an article you cannot realise?—If we advance too much upon an article we cannot realise it.

4769. Those who pledge their articles on a certain schedule of prices may really pay abundantly sufficient to give you a profit, the loss being incurred on the re-sale of the articles upon which you have advanced too much; is that so?—Yes.

4770. There is no reason why the Committee receiving a balance sheet, and finding a loss should alter the scheduled scale of charge?—We look to the gross profit for the whole year, or the half year.

4771. But if the scale of charges itself yielded a profit, you would not recommend that scale to be altered, would you, because the pawnbroker made a loss by over-advancing on pledges?—The interest is very difficult to calculate just now, by reason of those intermediate and fractional sums.

4772. But my question is, whether if the scale of interest and the charge for the ticket yielded a profit, and the loss was occasioned by the pawnbroker over-advancing on pledges, so that he could not realise those, that is any reason why the scale should be altered because the pawnbroker's business does not pay?—We realise most of our profit from the articles redeemed. I scarcely follow the question.

4773. If the rate of interest, including the charge for the ticket be sufficient to give a profit to the pawnbroker, and he makes a loss on his business by over advances on his pledges, is it any reason why the scale of charges should be raised?—I think it is a very small dividend that I am able to pay, and I should like to have the charges raised to pay a larger one.

4774. Mr. Alderman *Carter.*] But should the rate be altered because you lend too much upon your pledges?—No, it should not; that is our fault.

4775. *Chairman.*] Why do you advance more upon the goods than they will realise?—There is so much competition in the trade.

4776. You said that it was very difficult to calculate interest, what do you mean by that statement?—I mean the fractional parts.

4777. But how is it difficult?—For instance in the matter of 3*s.* or 3*s.* 6 *d.*, there are few of the assistants, unless they have long practical experience, can count them.

4778. Bu

4778. But have you not a tabulated calculation?—But sometimes they do not look at that.

4779. Do you invariably calculate your interest according to the prescribed scale?—As far as we can possibly adhere to it.

4780. Mr. Alderman *Carter.*] You pay farthings, so that you give and take?—We give and take the farthings; we have to pay for those farthings somewhere about 1 *s.* 8 *d.* per £. before we can get them to trade upon.

4781. *Chairman.*] Do you know whether clause 4 is usually observed in the trade?—There are very few in Edinburgh who adhere to that clause.

4782. Is that a clause in the Act now existing with which very few pawnbrokers in Edinburgh comply?—That is a clause with which very few pawnbrokers in Edinburgh comply.

4783. Mr. Alderman *Carter.*] In those cases, do you take a halfpenny?—We always give a farthing in change if we can possibly divide it.

4784. *Chairman.*] What is the practice adopted in Edinburgh regarding Clauses 2 and 3 of the Act; do you observe the scale as nearly as you can?—We observe the scale as nearly as we possibly can. The charges made by the trade in Edinburgh are a halfpenny for every half-crown, and all sums under half-a-crown. For 3 *s.* most of the trade in Edinburgh charge a penny, and for 6 *s.* it is three-halfpence.

4785. What is done with regard to the ticket?—The ticket money is always paid first.

4786. And the 1 *d.* additional on the 3 *s.*, and 1 *d.* up to 6 *s.*?—Yes, 1 *d.* a month for 3 *s.* is charged by most of the trade.

4787. Can you estimate what is the gross profit per pledge?—I am not prepared to do that.

4788. Can you give the expenses usually incurred in your business for the past year?—Our expenses are generally 5 per cent. upon the gross profit.

4789. Can you give the amount of your expenses?—1,488 *l.* 8 *s.* 6*d.* I think last year.

4790. Is that including salaries?—Including salaries.

4791. Without rent?—Without rent.

4792. But including rates and taxes?—Including rates and taxes. The losses extra were 63 *l.* 3 *s.* 5 *d.* The gross profits for that year were somewhere about 3,566 *l.* 12 *s.* 8 *d.*

4793. What are the deductions from that amount?—We deduct working, 1,488 *l.* 8 *s.* 6 *d.*; losses, 163 *l.* 3 *s.* 5 *d.*; interest upon capital, at 5 per cent., 1,308 *l.* 7 *s.* 5 *d.*, leaving a net profit of 606 *l.*

4794. What dividend would that 606 *l.* pay?—With the 1,300 *l.*, that is exactly 7 per cent., which we pay.

4795. Mr. *Crum Ewing.*] That is including the interest which you charge?—That is including the interest which we charge.

4796. *Chairman.*] But you have first taken off the 5 per cent. upon the capital, have you not?—Yes.

4797. Then, do you pay a dividend of 7 per cent. in addition to the 5 per cent.?—Not in addition. This shows the interest that we should get if the capital were invested otherwise.

4798. So that your net dividend is only 2 per cent.?—Only 2 per cent.

4799. Is this a statement made up for the purpose?—This is a statement made up by the secretary here, from the statement which I handed to him.

4800. Then it is made up by the secretary in London?—Yes; from the statement which I gave him.

4801. Mr. Alderman *Carter.*] How many 9 *l.* shares have you?—Three thousand. It is all paid up; but 3,000 *l.* worth of property is paid for out of that.

4802. And is your reserve fund separate?—Yes.

4803. *Chairman.*] In your original balance sheet, which you brought up with you, you make the amount of pledged stock 27,738 *l.* 12 *s.* 4 *d.*, and you charge a premium upon that of 1,260 *l.*; that is something above 5 cent., is it not?—About 5½ per cent.

4804. And you consider in Scotland that the premium should be 5½ per cent. and not 10 per cent.?—That is what we are carrying forward just now.

4805. And when you take stock for the benefit of your shareholders you only charge a premium of 5 per cent.?—A premium of 5 per cent.

4806. The cash in the bank is 759 *l.* 7 *s.* 8 *d.*?—I do not think that the deposits of sums above 10 *l.* are included in that statement.

4807. The total of these three sums is 24,757 *l.* 19 *s.*; then there is an item of 3,571 *l.*, what is that?—That is the property; the premises.

4808. Then there is the sale stock, 395 *l.* 12 *s.* 6*d.*; that makes a total amount of capital which you have to calculate upon of 28,724 *l.* 11 *s.* 6 *d.* for one year; the interest is 3,209 *l.* 4 *s.* 9 *d.* received from your depositors; the ticket fees amount to 210 *l.* 8 *s.* 2 *d.*, and you have a profit on your sale-shop already of 146 *l.* 19 *s.* 9 *d.*, so that the total of those three items is 3,566 *l.* 12 *s.* 8 *d.* in the gross; then in the expenses for one year you charge repairs 43 *l.* 1 *s.* 4 *d.*; stationery and books, 73 *l.* 16 *s.* 11 *d.*; is not that rather a large amount for one year?—Our stationery, books, and printing account, is generally 100 *l.* a year.

4809. Losses, 163 *l.* 3 *s.* 5 *d.*, shop expenses; that is the sale-shop I suppose?—That is the sale-shop.

4810. One hundred and five pounds eight shillings and threepence; salaries of officials 746 *l.* 8 *s.* 6 *d.*; may I ask if the directors receive any payment for their attention to the business?—£. 65 a year amongst them.

4811. Is that included in the 746 *l.* 8 *s.* 6 *d.*?—It is not included there.

4812. Then it is not deducted from the gross receipts at all in this statement?—I think it will come under the head of general expenditure.

4813. Gas, 26 *l.* 14 *s.* 7 *d.*; licenses, 13 *l.* 5 *s.*; insurance and sundries, 231 *l.* 2 *s.* 10 *d.*; does that include the director's fees?—Yes.

4814. Rent and taxes, 160 *l.*; but why do you charge rent when it is part of your capital?—We are charged by the assessor so much for the property. I think he values it at somewhere about 120 *l.*

4815. Still if you pay interest to the parties who have advanced money in the way of dividend, you pay interest in that form, do you not?—That money is sunk.

4816. Still it is represented by the shareholders, the total of free profit is 2,003 *l.* 11 *s.* 9 *d.*; then when you have dealt with the 2,003 *l.* 11 *s.* 9 *d.*, how do you divide it?—£. 1,900, being 7 per cent., amongst the shareholders.

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4817. Then you have nothing for the reserved fund?—Nothing last year.

4818. Can you give us the salaries and the amount of expenses; the amount put down there is 756 *l.*? — The shop and all the other expenses are taken off the profit. That is the free profit.

4819. The item of salaries of officials is 746 *l.* 8 *s.* 6 d; of what does that consist? — That is the working of the establishment altogether.

4820. How many persons are employed in the establishment?—We have 12 with myself.

4821. What would the salaries be?—I have one man to whom I pay 120 *l.* a year, and I have another to whom I pay 65 *l.* a year; there is another at 65 *l.*, and there are three rising from 10 *s.* to 18 *s.* a week. My own salary is included there.

4822. What does the head manager get? — £. 280, with share in the dividend.

4823. Then what forms the item of 105 *l.* for shop expenses?—The salaries of two girls in the shop; the shop rent, taxes, and gas, come to 100 *l.* odd a year.

4824. Then the insurance and sundries to 231 *l.* 2 *s.* 10 *d.*; what forms those two heads; one item is the "Directors' Fees"; that leaves about 175 *l.* to account for?—The "General Expenditure Account," and the "Profit and Loss Account."

4825. But the losses were 163 *l.* 3 *s.* 5 *d.*?—That would be the "General Expenditure Account"; it comes to about 100 *l.* a year for general expenditure.

4826. Under no head? — Under the head of "Expenditure Account."

4827. But what items form that general expenditure?—Keeping up the premises, painting, wrights and slaters.

4828. But we have repairs separate from that 43 *l.* 1 *s.* 4 *d.*?—That is taken from the "Insurance Account"; the sundries are taken from what we term the "Expenditure Account," which is the expenditure week by week.

4829. The balance-sheet shows, altogether, 7 per cent. upon the share capital?—Yes; directors, 65 *l.*; insurances, 32 *l.* or 36 *l.*; and the other item is from the "Expenditure Account."

4830. Mr. Alderman *Carter.*] Is not 3,000 *l.* invested in your premises?—It is invested in premises.

4831. And in consequence of having 3,000 *l.* invested there, you charge 5 per cent. for rent? —We have less to work upon in the business.

4832. But that is the reason why you charge the rent in your account?—That is the reason.

4833. *Chairman.*] What is the class of persons who pledge goods with you?—Tradesmen.

4834. Do you mean by tradesmen labouring men in the receipt of weekly wages?—Tradesmen, clerks, shopkeepers; but, coming to a higher class of pledges, I have a countess just now a customer of mine, two or three officers in the army and navy, and all grades of society downwards.

4835. What is the sum which you would consider a large one to advance over 10 *l.*?—We have lent to the extent of 1,800 *l.* to one party on goods, silver plate, and diamonds, and other jewels.

4836. Do you receive into pledge many articles of manufacture in the way of cloth?—Yes.

4837. So that you advance money to shopkeepers on goods?—Shopkeepers both in the New Town and in the Old Town; we have just now upwards of 220 *l.* worth of plate belonging to one lady.

4838. In making your special contracts, at what rate do you advance money?—On and after the rate of 15 *l.* per cent. per annum; 3 *d.* per 1 *l.* per month.

4839. Do you take into stock a large number of bulky articles?—Very large.

4840. Do you make any charge for those articles?—None.

4841. Do you think that you are entitled to make a charge for those articles?— The question never occurred to me, but we have never done it.

4842. Mr. Alderman *Carter.*] What do you mean by bulky articles?—We have just now somewhere about 20 or 22 pianos; those are bulky articles; and we have a chest of silver plate which takes about eight men to lift it, it is so weighty.

4843. *Chairman.*] For a grand piano, what would be the sum you would advance at the lowest?—The lowest that we lend on a piano is 5 *l.*

4844. What will you receive for a grand piano if it is deposited with you for three months, on your advancing 5 *l.*?—I never had a piano left with me to sell that ever I had a profit upon yet.

4845. Supposing that a piano was redeemed at the end of three months, what would you have received for it at the end of three months, if you had advanced 5 *l.* upon it?—One shilling and threepence per month, and no other charge.

4846. So that, in fact, you would receive that piano in pledge for three months for 3 *s.* 9 *d.*?—Yes; we charge less for the loan of the money than two porters would carry it up and down stairs for.

4847. Mr. Alderman *Carter.*] Do you charge the ordinary rate of interest, and the carriage of the piano?—We do not pay the carriage, our own men carry it up; we charge nothing for it.

4848. *Chairman.*] Can you give the Committee any information as the advantage or otherwise of selling pledges at the expiration of six months?—Yes; soft goods become deteriorated very much when they lie longer than six months; fashions change, cloths get dry, silks get cut from lying too long, velvets lose their colour; and it would be a great advantage even to the pledger if goods were to have a six months forfeiture.

4849. But if the pledger wished to redeem them, and not to sell them, should he not have the option of redeeming them at the end of 12 months?—Most undoubtedly, upon revaluing of the article.

4850. If the pledger wished them to be sold at the end of six months, you would see no objection?—None.

4851. If he wished them to be detained 12 months, the property being his, he ought to control it, ought he not?—I should have no objection to that.

4852. Mr. *Crum-Ewing.*] That deterioration would only apply to perishable articles where the colour would fade; but it would not apply to watches, which, I observe, are a great part of your trade?—My idea was that watches and jewellery, and so on, should probably lie till the end of the 12 months, but I think that people would not understand it; they would forget the differences

fference between the six and the 12 months' rfeiture; so that it would be better, not only for e pledger but for the pawnbroker, if the ods were all on a six months' forfeiture; but should have no objection to its going another months upon the payment of the interest.

4853. *Chairman.*] Do you see any objection having the rate and charge for interest clearly d distinctly printed upon every pawn-ticket?—think it should be clearly defined on the back the ticket.

4854. Are you in the habit of entering the mes of the persons who pawn?—Certainly.

4855. And their addresses, and whether they e housekeepers or lodgers?—Certainly.

4856. Do you enter the correct names of the ople?—The correct name, and the number of e street or close.

4857. Do the pledgers in Edinburgh generally ve correct names?—Certainly; they give their rrect names, unless they are of the lower class pledgers; I mean the pledgers under 5 *s*, o do not care about giving their names. There a good deal of Scotch pride about them.

4858. But still you enter the names that they give?—We enter their names and their addresses.

4859. And you do not complain at all of the ty of having to do that?—No; I think it is cessary.

4860. Have you a large amount of stolen operty deposited with you?—We are very fornate in that way.

4861. Can you state to the Committee how uch property was deposited with you last year hich afterwards proved to be stolen?—I find om the superintendent's report for the City of dinburgh, on Crime, for the year 1869, that the oss total reported was 3,355 stolen articles, rough the whole of Edinburgh, and the number om the police-books found in the possession of wnbrokers, 380, 126 of those having been illelly pledged by watchmakers, tailors, dressakers, bootmakers, and others, leaving 254 lots petty thefts found in the hands of pawnokers.

4862. *Chairman.*] How many of those pledges ere found with you?—About six.

4863. Do you know the value of the pledges und with you which you had to surrender?—he losses for the half year were 1 *l.* 19 *s.* 6 *d.* I ve not the half year before that. It was very fficult to get at the amount which was lent pon the stolen property from the pawnbrokers; t I have this table from the police-books, owing the following results: Total number of ledges for the year 1869, taken in by the pawnrokers of Edinburgh, 1,426,800; number stolen d recovered 254; showing one in 5,617, or $\frac{1}{3}$ at each of the 34 pawnbroking offices in dinburgh. The number illegally pledged was 26, showing one in 11,323, or 3 $\frac{17}{21}$ at each of e 34 pawnbroking offices. The total property covered which was stolen and illegally pledged as one in 3,754, or $\frac{3}{11}$ at each of the pawnroking offices in Edinburgh.

4864. Are there a great many "wee pawns" Edinburgh?—A great many.

4865. Does the stolen property go largely mong those?—No doubt of it. There is one lace in Edinburgh alone for the purchase of earing apparel for the Irish market, where all what are called the old clothes men go, and ey buy no less than about 300 *l.* worth a week.

4866. Do they take goods in pawn?—They do not take goods in pawn, but they buy them right off.

4867. Are the "wee pawns" inspected by the detectives?—By the police.

4868. Are your shops visited by the detectives?—They are.

4869. And you never found any disadvantage accruing from that?—The system adopted in Edinburgh by the superintendent is that he sends round a printed list every morning by the policeman upon the beat to all the pawnbroking establishments. There are two men told off whose duty it is to go the pawnbroking offices. They divide the town into two districts; one gets 17 pawn offices to look after, and the other 17. Those are very respectable men, and they do their duty well and efficiently, I think.

4870. And they do not trouble you?—They trouble us every day.

4871. But they do not give you any extra trouble?—No; we are very glad to give them every assistance we can.

4872. Then they do not investigate your stock, but are content with your answer?—If a jeweller or other respectable shopkeeper was robbed, we are very glad for them to examine the stock themselves. They examine the book, and pencil off on a card what they wish to see, and we bring the goods forward and show them, and if they can identify the property, or the parties can identify it, they get it and take it away.

4873. When a watch has been stolen, do they every morning look over your watches, or do they depend upon you to state whether you have such a watch in your possession?—If the watch is stolen and we have it, and they see the maker's name in our books; we hand it over to them on a receipt which they sign for the superintendent of police.

4874. Supposing that the pawnbroker were not to enter the right number of the watch in his book, the police would have no knowledge that he had that watch, I suppose?—Certainly not.

4875. It really depends upon the pawnbroker entering the watch correctly in his book, to enable the detective to find whether he has the watch there or not?—Those are always entered right.

4876. Mr. Alderman *Carter.*] Would not the inspector be very much guided by the character of the pawnbroker?—Yes, very much.

4877. Mr. *Crum-Ewing.*] Do the police ever examine the stock of the pawnbroker?—I do not think they do.

4878. *Chairman.*] Have you many persons who unlawfully pledge goods?—Very few.

4879. I mean cases where lodgers in certain houses pledge the goods of their lodging-house keeper?—There are a few of those cases.

4880. Are they often detected?—Yes.

4881. Have you any instances of persons counterfeiting notes or pawn-tickets?—We have had instances of that, but very few; in fact, we do not prosecute those instances, but it is very frequently done.

4882. Have you many instances where a person has made a declaration that he has lost his pawn-ticket, and where the pawnbroker has given him the pledge, the real owner of the pawn-ticket coming afterwards and applying for his pledge?—Yes.

4883. Does that frequently occur?—It frequently occurs.

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4884. What do you do in that case?—We are protected by the Act, as long as the affidavit is properly signed by the magistrate.

4885. Do the courts in Edinburgh hold that you are protected by the Act?—The case has never been tried, that I recollect.

4886. If the pawnbroker has surrendered the pledge on such a declaration, does he at once refuse to make any return to the person who holds the real ticket?—Certainly.

4887. How many cases in a week have you in your trade of persons making those declarations?—We average about 40 a month.

4888. In general are the declarations correct?—They are generally correct.

4889. Do you satisfy yourself, before you give the form, that they are the proper parties who apply?—We do.

4890. So that the few cases that occur do not require any alteration in the law?—We make them describe the goods very minutely before we give them the affidavit.

4891. Mr. *Crum-Ewing.*] Do you take in many body clothes as pledges?—We do.

4892. Large quantities?—Large quantities.

4893. Are those generally brought to you on Mondays and taken out again on Saturdays?—We do not do a very large weekly trade; but we are a little busier on the Mondays than usual.

4894. Do many people come to you with blankets?—No, not above 15 pairs a week. We may have that number, but not more.

4895. One of the witnesses on the last day stated that a great many new blankets came, that the people had got from the club-shop; is that the case?—A good deal of that is done. That is what they call the "tally" trade in Edinburgh.

4896. Are many family bibles pledged?—Yes, a good many.

4897. Have you many instances of wives coming to pawn their husband's things to get drink?—None; I have never seen a case of that kind, or very seldom. It may occur; but we are very particular, and if any person is the worse for drink, or anything like it, we never take anything from them. Rather a superior class of people come to us.

4898. Sir William Bodkin mentioned that he would recommend that in cases of pawnbrokers not giving facilities to the police to discover stolen goods, it being proved to the jury that that was the case, it should be endorsed upon their licenses, so that if there was a certain number of endorsements in that case, they should not get licensed, do you approve of that?—I should have no objection to the sheriff of the county doing it, but I should decidedly object to put such power into the hands of the magistrates.

4899. Or before a jury?—I should have no objection to that on my own part.

4900. Would you consider it to be advantageous to the respectability of the trade that that should be done?—Yes, I think it would.

4901. You have mentioned that you think that some additional interest should be allowed?—It is unworkable by the pledger himself.

4902. But upon the whole amount you recommend that it should be more than 15 per cent.; that, I understand, is because you have not sufficient profits, and you mentioned as the reason that your profits were so small, the great losses that you sustain by the sale of your unredeemed pledges?—I may mention that we are very peculiarly situated in Scotland; in Edinburgh, after the passing of the Halfpenny Act, about 10 years ago, there were only about 16 or 17 pawnbrokers, but the number has doubled in 10 years.

4903. You say that the pawnbrokers now advance more than the goods are worth; supposing that the rate of interest were raised, the competition would be greater, and they would still be required to do so, so that their profits would not be any larger, is not that so?—No, but it would bring a better class of people into the trade if nothing were taken in under 2*s.*

4904. Would you recommend that it should be restricted to 2*s.*?—I would, and I have no objection to the sheriff granting a license, or even to the license being 50*l.*

4905. Do you say that for the benefit of the pawnbrokers or for the benefit of the public?—For the benefit of the public themselves.

4906. Then in that way you think that those who pawn for less than 2*s.*, do not make a good use of the money which they get?—I do not think that it could be of much benefit to their families.

4907. Do you think, from your own observation, that many of the sums that are raised upon pledges under 2*s.* go in drink?—I do; a remark was made by a witness from Scotland, that pawnbrokers and pawnbrokers' shops were the means of raising the poor's rates. I have here in my possession a speech which was delivered by Sir James Gardner Baird on the 29th of last month, and although the number of pawnbrokers in Edinburgh has actually doubled within the last 10 years, the poor's rates in the largest parish out of Glasgow, the West Church, have decreased 6*d.* per pound.

4908. Do you infer from that that the number of pawnbrokers is an advantage?—I do not say that they are an advantage, but I do not think that it is the increase of pawnbroking which causes an increase of the poors' rates. It is a mere pittance for a poor man or woman to get a loan of 5*s.* for a 1*d.* or 1½*d.*, as the case may be, for five weeks. That is the very thing to keep them out of the poorhouse. I think it is a great incentive to crime to get 4*d.* or 6*d.*, and those small sums, so readily.

4909. Mr. Alderman *Carter.*] What kind of crime do you mean?—What we call in Edinburgh "hard ale drinking," on which two or three men can get drunk for 6*d.*

4910. But what incentive to crime could it be for a person borrowing 6*d.*; do you take it to be a crime to get 6*d.* worth of drink?—No; it is not a crime to get 6*d.* worth of drink.

4911. Mr. *Crum-Ewing.*] You mentioned that tradesmen came to you to get advances for goods; I see here a number of articles of one kind, which show that it could not be private individuals who pawn those articles; for example, lot 80, four silver brooches, two finger rings, two Geneva watches, three silver Alberts, six gold finger rings, four silver Geneva watches, six gold finger rings, four gold scarf pins, four gem rings, six pairs of gold ear drops, three pair cased silver watches; what are those?—Those are old-fashioned watches, that lift out. The first 100 lots of jewellery there are all the pledges under 10*s.*, which we group together at a sale by auction; we do not sell our low-pledged jewellery by private sale. The four Geneva watches had probably 7*s.* 6*d.* or 10*s.* advanced on each.

4912. Mr. *Orr Ewing.*] Is that all you advance upon a silver watch?—We lose by them.

4913. Mr.

913. Mr. *Crum-Ewing.*] Would those six gold
er rings be pawned by six individuals?—No
bt. We always commence our sales by auc-
with low-pledged jewellery, after the soft
ds.

914. Supposing that you had a surplus on
of those articles, how would you do with the
ple who came for an account of the surplus?
hose are the low pledges under 10 *s.*

915. Mr. Alderman *Carter.*] I understood
to say that you would not object to the
nse being 50 *l.*?—I am talking for Scotland.
ade the remark that we had a lower class of
lges than the pawnbrokers in England, and
refore a lower class of people came into the
le. In Edinburgh, some women, for instance,
menced business as pawnbrokers, with a capi-
something under 200 *l.*. It is to keep those
ple out of the trade that I would like to see
ething else done.

916. Why should not a person be allowed to
r into a business with 200 *l.*, as well as you
n 27,000 *l.*?—Because they have no educa-
; they never saw the Acts of Parliament,
they put all Acts at defiance.

917. Then you decidedly object to free trade
awnbroking, so far as your business is con-
ned?—I would not mind free trade commenc-
at two guineas or so, but under that I would
dedly object to free trade.

918. That is to say, that anybody should be
wed to lend two guineas and not less on
ial contract?—I mean by special contract.

919. But I mean free trade, so far as the
iness is concerned; you say that you would
object to the license being 50 *l.*, because a
nse of 50 *l.*, as I understand you, would keep
a number of people from the business who
get into it?—That would just fill the trade
Scotland with a class of people the same as
"wee pawns."

920. But would that tend to give facilities for
ning?—It would be the very means of put-
the respectable pawnbrokers out of the trade.

921. Would it not tend to a monopoly of the
e in the hands of men of capital?—I would
like to remain in it long with a lot of people
that round about me.

922. I understood you to say that you would
pledges to sums of 2 *s.* and upwards; why
uld not a poor man be at liberty to borrow
6 *d.* as well as to borrow 2 *s.* 6 *d.*?—It might
l to make a man more saving, both for his
sake and for his family, if he knew that he
d not borrow under 2 *s.*

923. In Scotland you do not grant relief to
able-bodied men, and supposing that any
-bodied man could not get relief, why should
ot be allowed to borrow 1 *s.* to help him on
ugh the week if he had anything which would
g him 2 *s.*?—I think it would bring him still
er in the scale if he is so much pauperised as
ant to borrow 1 *s.*

924. If they are so near the workhouse why
uld you not rather give them facilities for
owing than prevent their borrowing at all,
so bring them to absolute starvation?—I do
think it would benefit their families for them
orrow 1 *s.*

925. We have had one or two of the Atten-
ughs here who tell us that their business is
e exceptional, and that they do not trouble
nselves with those low pledges of 3 *s.* or 4 *s.*;
they would rather be called silverbrokers
.108.

than pawnbrokers; is your business of that kind?—It is not.

4926. You are not actuated in the answers you have given by the desire to be in a higher class of pawnbrokers?—I do not think it would be very high if it were limited to sums above 2 *s.* I am quite willing to take in as many 2 *s.* pledges or above, but I decline to take them under.

4927. In reference to this balance sheet of yours, you take small pledges, you say, of 1 *s.*; can you give me any idea what those small pledges cost you?—A pledge of 2 *s.* 6 *d.* and under does not cost less than about 5 *d.*

4928. Then on every pledge of less than 2 *s.* 6 *d.* you lose about 2½ *d.* or 3 *d.*, do you not?—We do unless it lies four or five months.

4929. According to your balance sheet your pledges cost you upon an average 3½ *d.*, so that all those low pledges must be a loss to you?—Unless they lie with us they are a loss.

4930. Colonel *Beresford.*] Have you read the Bill which is now before the House?—I have.

4931. You said something just now about crime, and the honourable Member for Leeds pushed you rather hard, but he did not come to a satisfactory conclusion; you said that the low pledges of 6 *d.* led to crime, did you not?—I probably meant to say pauperism.

4932. If a man can go and get 6 *d.* it probably results in its being spent for drink rather than for anything else?—It is certain to be spent in drink.

4933. You have given evidence that in your opinion you sustain losses by the large amount of competition; would not that competition be very much increased if this Bill was passed by the House?—I do not think that it would. My reason is that if we in Edinburgh had, as I mentioned before, a lower class out of the trade, a higher class would remain in it, and a larger trade would not require that competition which is now so ruinous.

4934. But you already complain of competition; if this Bill were passed by the House, would not they go for freedom of contract, as it is called, having no limit at all, not even having two guineas; and do you not think that if this trade were thrown entirely open it would make a greater competition?—It would tend to it.

4935. Mr. Alderman *Carter.*] You are for free contract, I believe?—Above two guineas I am in favour of free contract.

4936. If parties who could not pledge anything worth 2 *s.* were compelled to have relief, would they not be driven to the "wee pawns"?—They would have no other resort.

4937. Aud if you in Scotland were to have a law that no one should lend on a pawn less than 2 *s.*, would not that increase the number of "wee pawnbrokers"?—The police would be quite able to deal with the "wee pawnshops"; in Edinburgh they are a sort of legalised pawnbrokers, who give a man 1 *s.* or 2 *s.* 6 *d.* for his coat or vest; they must keep it in their possession for seven days, and the man comes back for it at the seven days' end, and he gets it back for whatever they choose to charge.

4938. But would not your principle very much increase that kind of pledging?—I have no doubt that it would, but I think the police would be quite able to cope with the "wee pawns."

4939. But it would increase that kind of

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pledge; why should you limit the pawnbroker; do you think that the "wee pawns" are a more desirable thing than the ordinary pawnbroking? —Some of our licensed pawnbrokers in Edinburgh are not a step up the ladder above the "wee pawns."

4940. *Chairman.*] You stated that each small pledge cost you 5½ *d.*; how do you make that out?—I have brought it out by the whole expenditure of the establishment, salaries, and everything, that a small pledge does not pay unless it remains in our custody between four and five months. A pledge which goes in on the Monday morning, and out on the Saturday night, for a halfpenny, or perhaps a penny, does not pay the pawnbroker. There is a party in Edinburgh in our trade who has somewhere about 2,000 *l.* of capital sunk, and on Saturday evenings (I have seen his books myself) he has somewhere about 100 *l.* redeemed, and his interest on that 100 *l.*, with hard work, is not more than 3 *l.* per cent., with 500 or 600 low pledges.

4941. That may be so, but that does not make the pledges cost 5½ *d.* each?—Unless that man had a return throughout the week on the other five days he could not live, because it takes that to pay his salaries and to keep himself.

4942. How do you make it out that each pledge costs 5½ *d.*?—Every pledge which is left with us, which we sell by auction, costs us about 1½ *d.*

4943. But you say that every small pledge deposited with you costs you 5½ *d.*?—It costs us 1½ *d.* for selling, and 3½ *d.* for salaries and working expenses of the business.

4944. Colonel *Beresford.*] I am requested to ask you this question: how much less would the profit per annum be if you took the correct rate instead of the long rate under the present Act?—I could scarcely answer that question.

MR. GEORGE SCOTSON, called in; and Examined.

Mr. *G. Scotson.*

4945. *Chairman.*] Do you reside in Leeds?—Yes.

4945*. Are you a Pawnbroker in Leeds?—Yes.

4946. Are you also a member of the town council of Leeds?—Yes.

4947. How long have you been in business?—About 16 years.

4948. Are you well acquainted with the mode of conducting the business in Leeds?—Yes, I have a pretty general acquaintance with it.

4949. Have your turned your attention to the law affecting the trade of pawnbroking?—I have.

4950. Have you any observations to make upon the present law as it now stands?—I think that the present law is not sufficiently remunerative if properly carried out. I believe the greater part of the pawnbrokers in Leeds endeavour honestly to carry it out, but they are not able to carry it out with much profit, and the rate of interest is lower than it should be, especially upon low pledges.

4951. Is the statutory rate of interest acted upon at Leeds?—Nearly so, I think. There may be a few cases where they take what is termed the long interest, but they are not many. The farthings are, perhaps, not much used, but if pledges come to two months, the farthings are adhered to.

4952. But in other cases the halfpenny is taken instead of the farthing?—Very generally; I believe that if they wish to have it, it is generally given them. The pawnbrokers keep farthings, and if their customers will take them they give them.

4953. But pawnbrokers generally work the present scale to their own advantage in respect of the farthings, do they not?—The practice is to give and take. In our own case if we lend 5 *s.* 6 *d.* we never charge more than a penny, but if we lend 6 *s.* we take the farthing.

4954. In the case of the lower classes of pawnbrokers is the long rate generally acted upon instead of the statutory rate?—With the lower class of pawnbrokers I believe it is.

4955. And the working classes are damaged to that extent?—Yes.

4956. What class of persons carry on the business in Leeds?—Generally speaking they are a very respectable class of men. There are amongst them individuals who have occupied various posts in the town of Leeds; town councillors, aldermen, poor law guardians and people who have filled almost every position.

4957. In addition to those very respectable persons is there a class which cannot be considered to stand in the same position?—In all trades I suppose that there are better and worse.

4958. What is the character of the houses where no licenses are taken?—We have no such houses in Leeds. We have what are termed the "Dolly Shops," or the marine store dealers, but the corporation of Leeds require them to take out a license under a local Act of Parliament, for which they pay 5 *s.* per year, and they are required to enter all their purchases in a book.

4959. Do you know the number of such houses which are registered under this local Act?—I do not.

4960. Is it found that stolen property often goes to those houses than to the regular licensed houses?—With the lower class of stolen property it is found to be so.

4961. I suppose that in Leeds you find the number of robberies is not so large as in other towns?—No, we do not find it so.

4962. Is much plate deposited with pawnbrokers?—Yes, a considerable quantity of plate is deposited with pawnbrokers in Leeds.

4963. Is much stolen plate deposited with them?—No, we do not find it so. I have a list here furnished by the chief constable of Leeds of the number of stolen articles which have been deposited with the pawnbrokers of Leeds for one year ending the 19th of this month.

4964. How are the unredeemed pledges sold in Leeds?—Those above 10 *s.* are almost universally sold by auction. There may be very rare cases where they are not so sold, but I know of none.

4965. How are those under 10 *s.* sold?—Those under 10 *s.* are sold through the saleshops.

4966. Do most of the pawnbrokers in Leeds keep saleshops?—Most of them do.

4967. Are the pledges above 10 *s.* that which are sold by auction sold at a public saleroom?—

Mo

st of them are sold at a public saleroom, and ers are sold at the shops; there is a cata- ue (*handing in a paper*) of the last quarterly e held by Messrs. Hepper, a firm of auctioneers a number of pawnbrokers in Leeds.

4968. Are the names which I see here of the wnbrokers selling in this sale, the names of the st respectable persons?—We deem ourselves ong such.

4969. Do any of those who are called the pectable pawnbrokers conduct their sales on ir own premises?—Yes, some of them do, ere they have large premises.

4970. Have you ever attended any of those es?—I have occasionally.

4971. Do the pawnbrokers attend there to bid? They generally bid if an article is going at ower price than it is really worth.

4972. To what extent are the private sales ducted on the premises of pawnbrokers?— rhaps nearly half of them.

4973. I suppose that the public rarely go to private sales?—I was passing one the other y, and I saw the shop quite full of people; there ght be from 30 to 40 people present.

4974. But the 30 or 40 might represent a low ss of dealers, might they not?—They would mostly dealers.

4975. Very few others than dealers would end a private sale?—Very few.

4976. How are the public sales attended?— ey are attended by dealers and by the public.

4977. The dealers preponderating?—Not in se cases.

4978. In this sale by Messrs. Hepper & Son, uld they expect a reserve price to be put upon articles?—The pawnbrokers always attend d bid for any article which they think is going low its price.

4979. If you had a valuable stock selling by ssrs. Hepper, would you bid for an article, or uld you tell them to knock it down at the serve price?—I should bid for the article in en market.

4980. So that, in fact, the law is complied th, and there is an actual sale on that occasion? Yes, the pawnbroker purchases the article, and is known by persons attending the sale to whom s sold.

4981. I do not see in this catalogue any oppor- nity for viewing the articles on sale, except on Tuesday before the sale begins?—There is other opportunity except they come to the wnbroker's, and the articles would be shown re. They are removed on the Saturday to rooms, and it requires the Monday for to t them all hung up round the room, so as to ve the most public view of them.

4982. Although they are sold on the Wednes- y, Thursday, and Friday, a person could not in on the Wednesday morning prior to the le to see the article sold?—Yes, he has full portunity to do that.

4983. Do the pawnbrokers lend on bulky ticles in Leeds?—Some do and some do not, cording to the accommodation which they have r them.

4984. Do pawnbrokers frequently refuse bulky ticles?—Yes.

4985. How many pawnbrokers have you in eeds?—About 55 or 56.

4986. How many pledges per annum have you posited with you?—We should have probably ove 72,000 a year in my two establishment.

4987. Where are those establishments?—One is at the East End and one is at the West End; one is in West-street and the other is in St. Mary's-lane.

4988. How many pledges are supposed to be deposited among the various pawnbrokers in Leeds per annum?—Of that I have not made a calculation.

4989. What amount of money is invested in the trade of Leeds?—I calculate from 150,000 *l.* to 170,000 *l.*

4990. Do you suppose that the existing law is complied with generally?—Generally.

4991. Is it complied with in regard to entering the names of persons who pledge?—In my house we always do it. I deem it a necessary safeguard for myself.

4992. Do you also enter the residence?—We put down the residence.

4993. Do you believe that parties pledging, on the whole, may be considered to give correct representations?—Yes; I believe that in a low class of business the parties pledging do not care or mind who knows what they are about.

4994. With regard to articles above 5 *l.*, have you much trade in them?—Not so much. We do not go much into 10 *l.* either. Ours is more of a low class of business, that is to say, smaller pledges.

4995. Jewellery and articles of clothing?—Jewellery and articles of clothing, ranging from 1 *s.* up to 4 *l.* or 5 *l.*

4996. On what day of the week are pledges principally deposited with you?—The larger number are on Mondays.

4997. When are they taken out?—The larger deliveries are on Saturdays.

4998. What proportion of the pledges deposited with you in a year remain for a week only?—Of that I have made no calculation, but I should suppose from a half to one-third.

4999. What is the average value of the pledges deposited with you?—They will average a little over 5 *s.*

5000. What is the lowest amount which you are in the habit of advancing on pledges?—We have occasionally pledges offered on which we should lend 6 *d.*, 8 *d.*, 9 *d.*, or 1 *s.*

5001. Are those articles which are pledged for one week principally articles of clothing?—They are principally small articles of clothing.

5002. Are they put in when they are not wanted, and taken out when they are wanted?—Yes.

5003. That is to say, in fact, they are the clothes which are used on Sundays?—Many of them are the clothes which are used on Sundays. I have a table here which I took out promiscuously, of three consecutive Saturdays' delivery at three periods of the year, at the busiest time of the year, and the time when the lowest amount of business is done. It varies considerably in the pawnbroking trade. We delivered 291 *l.* 19 *s.* 10 *d.* on one Saturday, and we received for those pledges delivered 8 *l.* 1 *s.* 6½ *d.* for interest, and we delivered 860 pledges for that amount. That refers to a particular day, but I have not the reference to the day or the month.

5004. Mr. Alderman *Carter.*] What time of the year would it be?—It was in the autumn, or rather the end of the summer.

5005. *Chairman.*] Do the other figures show something of the same kind?—Yes; on another day

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day 365 *l.* 5 *s.* 9 *d.* was delivered, the interest being 10 *l.* 15 *s.* 3 *d.*

5006. Mr. *Morley.*] Do you mean that that was the ultimate settlement as regards those articles?—That was the gross profit received. On a particular day we delivered pledges upon which we had lent 365 *l.*

5007. Then you received that money back on that day?—We received the money back on that day.

5008. And on making a calculation you found that altogether upon this sum of 365 *l.* you made a profit of 8 *l.* odd; is that so?—No. There were 1,200 pledges delivered for the 365 *l.* 5 *s.* 9 *d.*, and the interest upon that money was 10 *l.* 15 *s.* 3 *d.*

5009. *Chairman.*] Is that exclusive of the charge for the ticket?—That is exclusive of the charge for the ticket.

5010. Mr. Alderman *Carter.*] Then it was interest simply?—It was interest simply. On the third day 303 *l.* 3 *s.* 10 *d.* was received for goods delivered, the interest being 7 *l.* 15 *s.* 11½ *d.*, and the number of pledges 920.

5011. *Chairman.*] Then to the interest you have to add as many halfpennies as there were pledges?—Yes. It must be borne in mind that we have to pay working expenses out of that. On the next three consecutive days we received 214 *l.* 4 *s.*, the interest being 5 *l.* 9 *s.* 6 *d.*, and 820 pledges being delivered; 219 *l.* 8 *s.* 2 *d.*, the interest being 5 *l.* 7 *s.* 6 *d.*, and the number of pledges redeemed 815; and 210 *l.* 4 *s.* 4 *d.*, the interest being 5 *l.* 11 *s.* 7 *d.*, and the number of pledges redeemed 790. At the worst period of the year, which is soon after Christmas generally, when trade is flat, on one day we received 204 *l.* 17 *s.* 8 *d.*, the interest being 7 *l.* 12 *s.* 2 *d.*, and the number of pledges redeemed 810. The next was 165 *l.* 5 *s.* 7 *d.*, interest 4 *l.* 16 *s.* 1 *d.*, number of pledges redeemed 565. The last is 173 *l.* 11 *s.* 4 *d.*, interest 4 *l.* 14 *s.*, number of pledges redeemed 620.

5012. Does that return relate to one year?—It relates all to one year.

5013. Do you approve of the present charge, or do you wish for an alteration in that respect?—I should prefer an alteration.

5014. In what way?—I should prefer doing away with the fractional parts, and adopting the Irish system of charging a halfpenny for every 2 *s.* advanced.

5015. You consider the Irish rate simpler?—Yes, much simpler; a halfpenny for the first month, or any portion of a month.

5016. With reference to the time for which a pledge should be kept, do you consider that six months is better than 12 months?—Yes, decidedly; for the lower class of pledges especially.

5017. Can you give any reasons for that?—In consequence of the change of fashion in the articles, and of the change in the manufacture of them. The manufacture of cloths and things of that sort is now different from what it was a few years ago. We find them much more perishable, and we have greater difficulty in keeping down moths; and as they get older they lose their colour, many of them not being dyed with fast colours, and they have to be sold at a very small profit, or at a loss.

5018. You propose that change in the interest of the person who pawns as well as the pawnbroker?—Of both sides.

5019. What is opinion with respect to free contract?—I should like to see free contract upon all bulky articles at any price; but it should, I think, be limited to bulky articles, and all above 2 *l.*

5020. Why would you have it limited to bulky articles and all above 2 *l.*?—Because I think they would be obliged to make an extra charge for the bulky articles being taken in, as they require more warehousing, and there is greater difficulty in warehousing them.

5021. Are you in the habit of receiving bulky articles?—We have generally declined them, our warehouse room being limited.

5022. Then it is in the power of the pawnbroker to decline bulky articles?—It is, or any article.

5023. What would you do with regard to articles above 2 *l.*—I should leave it then. People with articles worth more than 2 *l.* have generally sufficient intelligence to take care of themselves: but in that case, I should suggest that no one under 21 years of age should be allowed to make a special contract.

5024. You do not make any special contracts, you say?—We do not, under 10 *l.*

5025. What rate of interest do you charge above 10 *l.*?—Fifteen per cent.

5026. The law requires you to keep books; do you comply with the law in every respect?—I believe we do.

5027. What per-centage of your pledges are unredeemed at the end of twelve months?—About 7 per cent., 93 per cent. being redeemed. As regards the great bulk of those pledges which are unredeemed, we generally know to whom they belong.

5028. When you sell your pledges do you generally realise a profit upon them?—No, not generally; our profits upon the sales of pledges are very small. I find that in one place of business, pledges on what we call the lower class of goods, below 10 *s.*, have been forfeited in one year to the extent of 394 *l.* 10 *s.*, and after allowing 5 per cent. as the proper interest upon capital invested in them, we realised 7 *l.* 5 *s.*

5029. Mr. Alderman *Carter.*] You had 394 *l.* worth of goods unredeemed?—Yes.

5030. On that you charged interest at 5 per cent.?—Yes.

5031. What do you charge besides that?—Nothing.

5032. Did you charge no auctioneer's expenses?—No auctioneer's expenses.

5033. And then you say you lost 7 *l.* odd?—No, we realised 7 *l.* odd beyond the amount lent.

5034. Out of that would you have to pay auctioneer's expenses?—No, those were sold by private sale.

5035. What is the result of sales of the higher class of pledges?—Upon the average we should not clear more than from 7½ to 10 per cent. upon them, if we cleared that.

5036. You think that there is good competition if you realise the pledge?—There is a fair competition.

5037. And you take care not to advance more than they will bring?—We exercise the best judgment we can upon the matter.

5038. If a pawnbroker has advanced more than he ought to do, he ought to stand that loss himself, ought he not?—Decidedly.

5039. And he ought not to charge it upon his other customers by increasing the rates?—Decidedly not.

5040. Have

040. Have you many applications for over-
s? — Not many; on the last two appli-
ons there was deficiency and something to

041. Do you ever pay an overplus?—Always, whenever there is one.

042. How many cases of application have you ?—We have not had more than four in the last r.

043. Do you see any objection to the pawn-ker being called upon to advise the pledger en a sale is going to take place, that he may ch the sale of his property?—I see no objection it whatever, provided the amount is not to e below 10 *s.*

044. That is to say, that in the case of all dges above 10 *s.*, the persons pledging may call n the pawnbroker at the time of deposit to ise him when the sale is going to take place, if has not redeemed it previously?—I see no ob-ion to that, and it would tend to induce people give their proper names and residences.

045. Is there any disadvantage in persons lging calling upon the pawnbroker at any e after the expiration of three months, so that pawnbroker has had time to get interest upon money to sell the pledge by public auction in er to get the benefit of the overplus?—That is uestion I have not thoroughly gone into. If pawnbroker was covered to the amount of his rest and his capital invested, I should see no ection to it whatever.

046. At present you are aware that the law tricts a pawnbroker from selling until the ex-ation of twelve months?—It does.

047. And if a person wished to go abroad and to redeem the pledge but to realise it, would re be any objection to his having power to l upon the pawnbroker to sell it?—I see no ection to it.

048. At what amount do you estimate the t of small pledges which are redeemed within hort time?—I calculate that we are not able take in any pledges at a cost of less than a le over 1 *d.* each in the working, or perhaps rly a 1½ *d.* each. In London it may be higher cause of rents and taxes and things of that t; but that is about my experience.

049. *Chairman.*] Are you able to make a fit upon the low pledges?—Not a very great fit upon the low pledges when they are re-emed very early.

050. What is the smallest amount which you vance upon pledges in Leeds?—As I said fore, I should not object to lend 6 *d.* if I thought individual was in need of 6 *d.* and had a per article for pledge.

051. Are there many instances occurring in ur trade when persons seem to require an vance of 6 *d.*?—Not many.

052. Would you give it as your opinion that edges deposited with you for less than 1 *s.* are nerally deposited with you for the purpose of pporting a family or to use for unwise pur-ses?—My experience, and I have a pretty fair owledge of the town of Leeds, is that it is for mily purposes and not for drink.

053. Do you ever divide the pledges?—Not hen they are offered for pledge.

054. If a woman brings her husband's coat d waistcoat, would you issue two tickets for em?—We should issue one ticket.

055. Is that the universal custom throughout eeds?—As far as I know, it is so.

5056. And splitting pledges, as is done elsewhere, would be considered by you as somewhat dishonourable?—We should consider it very dishonourable as a trade.

5057. Do you know anything of the duffing trade?—We used to be troubled with it a few years ago, but there is not much of it in Leeds at the present time.

5058. Was it a kind of trade where persons manufactured articles for pledging with you?—Yes; articles of spurious jewellery.

5059. Do you know anything of articles being bought at the unredeemed pledge sales and repledged again?—Such operations may take place, but I know of none except *bonâ fide* purchases, and then selling them or pledging them for money.

5060. But that is not done in Leeds as a trade?—Not as a trade.

5061. Have you had any case of collusion between the duffer and the pawnbroker with a view of defrauding the public?—I do not know of any cases in Leeds.

5062. Have you any suggestion to make with regard to any change of the law if Parliament chooses to enter upon legislation upon the subject?—No. I think that the penal clauses are, many of them, very proper, for the purpose of protecting both the pledger and the pawnbroker. I should certainly object to give a common policeman the power of going into a pawnbroker's shop and examining his books.

5063. Would you have any objection to enact that a pawnbroker should take out a license from the magistrates in order to certify his being a person of proper character?—I should not myself make a choice of applying to the magistrates, and I should not wish to impose upon others a duty which I should object to myself.

5064. Mr. Alderman *Carter.*] You would not like to go up like a publican every 12 months for a license?—I should not.

5065. Mr. *Crum-Ewing.*] Do you not think that it would tend to keep away men who were not of respectable character from the trade?—I do not know that it would elevate the trade very much; magistrates grant licenses for public-houses, and we find that there are individuals conducting public-houses who are not of very respectable character.

5066. *Chairman.*] If it was found in a police court that a pawnbroker had on more than one occasion been very careless, so as really to encourage the depositing with him of articles which had been stolen, would you recommend that the magistrates should endorse his license, with a view of its being suspended on the second or third occasion?—The law is sufficiently explicit on that point; if he knowingly takes stolen property, he is now liable to be brought before the magistrates and punished, not merely by the forfeiture of the amount, but by imprisonment.

5067. But if it is found that he did not know it to be stolen, because he made no inquiry, and acted with great negligence, so much so, that on several occasions he was found to have been the depository of stolen property, would it not be wise to endorse upon his license the fact, with a view of its being refused on the third or fourth occasion?—I should see no very great objection to it, where a person was so negligent as that.

5068. Would it not be a proper punishment for such gross neglect?—Undoubtedly it would.

5069. Mr. Alderman *Carter.*] You have been on the watch committee at Leeds for a long time, and

Mr. *G. Scotson.*

21 July 1870.

and you have had something to do with the police, would not the police keep a sharp look out upon a pawnbroker who was in that way?—No doubt.

5070. Mr. *Crum-Ewing.*] Would it not save a great deal of trouble if the police had the power of examining the pawnbroker's books and stock?—I do not know that it would, because people do not make the arrangements where they can dispose of stolen property before they commit the robbery.

5071. *Chairman.*] But do not the watch committee in any borough find that a convenient mode of disposal of stolen property existing is an encouragement to theft?—A convenient mode of disposing of stolen property is so.

5072. Is the trade of pawnbroking, on the whole, in Leeds, profitable?—I should think it is; we can just make a living out of it.

5073. In some cases persons have made a very good living, have they not?—Not many, but it has been done in very rare cases; there are two or three who have made 10,000 *l.* or 12,000 *l.* probably, but they have probably been 25 or 30 years over it; but there are a great many more who have not succeeded.

5074. Mr. Alderman *Carter.*] Have those gentlemen who have done well in Leeds in pawnbroking been silversmiths as well as pawnbrokers?—Yes, generally.

5075. *Chairman.*] And they have been able to sell their unredeemed pledges?—Yes.

5076. Mr. *Orr-Ewing.*] Are the people of Leeds well employed?—At present they are.

5077. And generally so?—During the last three or four years there has been a considerable want of employment, but the trade has improved.

5078. What wages do the men make when they are employed?—The wages vary considerably; there is the cloth trade, where they get 17 *s.* or 18 *s.*; in the iron trade they get up to 25 *s.* or 30 *s.*; and in the engineer's trade they get even to 30 *s.*

5079 Do people in the cloth trade only make 17 *s.* or 18 *s.* a-week?—Many of them.

5080. Are those weavers?—Persons employed in it; but there is very little woven in Leeds; it is principally done outside the town of Leeds.

5081. What do the women earn?—From 6 *s.* to 10 *s.*, or 12 *s.* a week, and some of them perhaps more.

5082. Do you think that where there is plenty of work, and people have wages ranging from 18 *s.* to 30 *s.*, 1 *s.* might be of great use to relieve a family?—Decidedly so: one man may have half-a-dozen children unemployed, or nearly so, and he would find his 18 *s.* go only a small way towards providing all the necessaries of life.

5083. I suppose that it is people with families of children who very often derive a benefit from those children getting wages?—When they get to a certain age.

5084. Do you find that it is people with young families who generally come to you to pledge?—All classes come to us.

5085. Do you find that the people who come to you for small pledges are the most depraved people in the town?—I do not; they are the working classes earning weekly wages.

5086. Do you think that a prudent thrifty workman gets himself into such distress that 1 *s.* is a great advantage to him?—I think that 1 *s.* is a great advantage to him, but I should doubt whether they are always very thrifty people.

5087. And 1 *s.* is of consequence to a man when he wants it for any proper purpose?—It is of consequence to a family when they have no dinner.

5088. Do you not think it a vicious state of society that people who are constantly employed at good wages should be so poor that 1 *s.* is of great advantage to him in maintaining a family?—I do not think that people getting good wages are generally those who borrow 1 *s.* It is generally those who get poorer wages.

5089. Then it is the poorer portion of the community who do business with the pawnbrokers?—Chiefly; but it does not follow that because a man is poor he is vicious.

5090. Are you against limiting the amount which you would advance, as is done in France, to sums above 2 *s.* 6 *d.*?—Yes, I am against that.

5091. How is it that the French nation can do without this system of low pawning?—They have a system of pawning just as much as here, only they have adopted a different system, the Government having it in their own hands, and they term it a charitable institution.

5092. But they do not advance any sums lower than 2 *s.* 6 *d.*?—I believe not.

5093. Is it not the case that the working classes of this country earn upon an average much higher wages than they do in France?—That I could not say.

5094. Does it not appear to you strange that in Paris the working classes can do without this pawn system for small amounts, and that we among our better paid artisans require it?—Probably they may have some other means of getting money on articles which I do not know of.

5095. Would you approve of Government appointing a commission to inquire into what other way they get it; would it not be very useful to this country if we could find some other system rather than pawnbroking?—I do not think that; I think the English system is much better than the French; it leaves a man free and open. I believe that if it is properly conducted you may do as much good in pawnbroking as in any other trade.

5096. Are you aware that the interest they charge in France is 9 per cent.?—There are other ways of calculating the profit besides the interest.

5097. Do you think that it is better for the poor people in this country who require to get money to aid them in their difficulties, to pay 20 per cent. to a pawnbroker, than to get it from the Government at 9 per cent.?—If they could get it at 9 per cent. it might be advantageous to the poor, but I do not know whether it might not cost the country as much to make up the deficiency by taking it out of the taxes.

5098. Are you not aware that they make a profit of 40,000 *l.* a-year, which they give to charitable institutions?—If it was so profitable, I should not object to its being tried by this Government, and their seeing what they could make out of it.

5099. For small sums?—For small sums.

5100. Or for the trade altogether?—Or for the trade altogether. It has been tried, I believe, twice or three times in this country, and failed, where individuals have set up a charitable institution.

5101. Never by Government?—Never by Government.

5102. Mr. Alderman *Carter.*] Do you know

as

fact, that in places where there are no pawnps, the poor-rates are higher than in other es where pawn shops exist?—I have heard it ed, but I do not know as a fact.

5103. We have had it in evidence here, that Glasgow they pawn a very large number of it are called club Bibles, and that at the rterly sale they will have as many as 300 les to sell; is there anything of that sort in gland, so far as you know?—I know of nothing hat extent; I suppose that they will probably family Bibles. There may be at each of our rterly sales from three to four Bibles, from pawnbrokers.

5104. Why would you limit special contracts ums above 2 *l.*; why should not a person be wed to borrow 1 *l.* by special contract on a ky article, as well as 2 *l.*?—I think I stated t I should prefer open contracts for bulky cles to any amount, only providing that the tract was not made by a person under 21 years ge.

5105. Do you find that, in your trade, cloth eriorates very much faster now than it did ny years since, and that it creates moths; I e the reason to be this, that one-half of the th which is made now is made of shoddy, not wool: you know something of the cloth trade; not that some reason why you should have power to sell at the end of six months rather n to keep the goods over 12 months?—That very strong reason why we should have it; find a great difficulty in preserving clothing e from moths if it lies 12 months.

5106. Do you find that cloths and silks are ed in a different way from what they were rs since, and so deteriorate in that way as ll as in others?—We find that the colours nge very materially by the materials being t on one side for 12 months; in fact, it is most tantamount to spoiling the goods.

5107. Can you tell me how many pawnbrokers u have at Leeds?—Fifty-five or fifty-six.

5108. It has been attempted before this Committee to prove that pawnbroking very materially ists drunkenness; how many of the pawnkers of Leeds are teetotallers?—There will a dozen, at least; perhaps nearly one-third.

5109. How many of the pawnbrokers of Leeds members and officers of religious societies?—least one-half of them. I understand the nourable Member's question to be whether ey are actively connected with them, or taking active part in them.

5110. Mr. *Crum-Ewing.*] Do that number beg to the Establishment or to the Dissenters?—All sorts.

5111. Mr. *Morley.*] You spoke of having the wer of realising the pledges after six months; you propose to confine that to clothing?—I ould prefer, as being more simple, and perhaps fer for the pledger, that it should be adopted niversally.

5112. You spoke about no one under 21 aking a special contract; I suppose you would low him to do it by producing some letter or rtificate; you would not absolutely exclude, nder any circumstances, anyone who was ot 21?—No; I should leave it to a pawnbroker a great measure to judge whether he was 21.

5113. Supposing that a young man of 20, aving undisputed ownership in a particular rticle, came into your shop, being able to prove at the article was his, and exhibiting that proof to you, would you, by Act of Parliament, exclude him from the power of raising any money, if he wanted it by special contract?—No.

5114. Do you find that people, as a rule, exhibit any shame at coming to a pawnbroker's shop?—Not as a rule.

5115. A great many shops have little side doors, and all sorts of appliances, to keep people from being seen or detected; I think it is absolutely false shame; but has your observation been that they come slipping in round a corner, if they can?—Not as a general rule; there may be exceptions to that, but they are rare.

5116. It is far better for a man to go to the pawnshop, is it not, than to go to the workhouse?—I should consider so.

5117. Are you in the habit of requiring the persons who pawn above a certain amount to enter their names in a book with an address?—No.

5118. Do you not think that that would be a a good plan?—It would take up a considerable amount of time.

5119. There can be no doubt, I presume, without at all impugning the character of pawnbrokers, that it is a business which is very open to dangerous consequences in the hands of bad men?—No doubt.

5120. Even a respectable man may be imposed upon; would it not be well to have the writing of every depositor above a certain amount, so that you might have his penmanship, at all events?—In the agreement pledges that is generally the practice above 10 *l.*; but below, it is not the practice at present.

5121. *Chairman.*] How many of the persons who pawn with you, if they were called upon to sign their names, would write their names?—All of them that we have are able to write their own names; they are generally people of some education, who are in temporary need of a few pounds.

5122. But the class of persons who come to you are generally persons who would not make a cross?—Yes.

5123. Are there many pawnbrokers in Leeds who transact a higher class of business than yours?—Five or six.

5124. Do they advance large sums of money?—Yes.

5125. Sums amounting to upwards of 100 *l.*? Yes.

5126. You do not advance to that extent, do you?—We do not cultivate that higher class of business.

5127. Have you any observations which you wish to make to the Committee which you have not made?—No.

5128. Mr. *Orr Ewing.*] What did you say was the average amount pawned with you?—A little over 5 *s.*

5129. You said that the majority of the parties that pawned with you could write their names?—No; I said the people who did business with us under special contracts above 10 *l.* could do so.

5130. How many of those borrowing amounts under 10 *s.* could sign their names?—That I cannot answer. More reliable evidence can be obtained in other ways than through pawnbrokers as to education.

5131. Could you not give us the average, by your knowledge that when tickets are lost the borrowers are obliged to sign certificates, and could you not say how often they put their marks?—Probably half of them, or more than half, put their marks.

Mr. GEORGE ATTENBOROUGH, called in; and Examined.

Mr. G. Attenborough. 21 July 1870.

5132. *Chairman.*] WHERE is your shop?—At the corner of Chancery-lane, Fleet-street, is one house, and I have another one in the Strand, opposite the Adelphi Theatre.

5133. Have you given your attention to the law and subject of pawnbroking?—I have been in the business for 33 years.

5134. Are there certain remedies which you have to propose?—Yes; I fancy I can see remedies which the promoters of the present Bill have not suggested to the Committee. They attempt to show that the cost price of a small pledge is 2 *d.* or 2¼ *d.* I disagree altogether with the theory which they set up by which to work out that result, inasmuch as I think you will find that they divide the total cost of the conduct of their business amongst the total number of transactions which are negotiated in the course of the year. Thus, I think that if A. receives in pledge 40,000 parcels in the course of the year (and that is a very fair number; I take in that number myself, so that I am not conjecturing), his delivering those out after the rate of 500, or 1,000, of them within the first week, does not entitle A. to charge against each one the one-forty thousandth part of his year's expenses, as those gentlemen do, whether it be rates, rent, salaries, or even loss by bad business, because in doing that he decidedly brings into his calculation the salary paid to his foreman. I say, with all respect, that I pay to my foreman a large sum, and he is not concerned at all in taking in many of the pledges; then why should I average out his salary to show that the poor man's pledge costs me 3 *d.*, and that by taking it in I lose 2¼ *d.*? I say that it is a fallacy. Beyond that, I wish to state to the Committee that the result must be that every 10 *l.* pledge which a pawnbroker has in his house, and which at the end of the year produces him 30 *s.*, must produce him 29 *s.* 9 *d.* profit upon the same scale. I say that is a complete fallacy into which those gentlemen have willingly drifted, not with any mischievous intention at all.

5135. Are the Committee to understand that the theory by which the pawnbrokers make out the cost to be sometimes 2¼ *d.*, sometimes a little more, and sometimes a little less, is fallacious?—Decidedly; for the reasons which I have thus briefly stated.

5136. Have you any objections, beyond those already indicated, to the increase in the form of ticket money or interest upon the lower class of pledges?—I have a very strong objection to the interest being calculated in any other way than *pro ratâ*; that is, that it shall be upon a fixed per-centage, whether that be 20 per cent., as it is now by Act of Parliament, or more, as this Committee might feel it in their province to recommend; I do not myself ask for more, nor do half the pawnbrokers of London ask for more, because they are well contented with the present rate; but I should like to show to the Committee, if it would not be tedious, how it would become injurious to the borrower if you have other than a *pro ratâ* calculation. It will take out of the poor borrower's hands all his power. I think it is suggested that one halfpenny shall be the interest of 2 *s.* for one month, and as soon as the amount lent passes 2 *s.* it shall be 1 *d.* per month. The effect of this will be as follows: it will take out of the poor borrower's hands all his power. The moment that 1½ *d.* is the legal interest for 4 *s.* 3 *d.*, as under the proposed scheme, it would be the pawnbroker may be excused if he declines to lend 6 *s.*, because he gets no more interest on a 6 *s.* advance than he would upon the smaller amount of 4 *s.* 3 *d.* By lending 4 *s.* 3 *d.* he would get the same interest as he would by lending 6 *s.*, and thus the borrower would be constantly liable to submit to an unfair advance. In one transaction it might not amount to much, but the amount of capital which it would save to the pawnbroker would be something that I have not ventured to calculate. A much smaller capital invested on transactions of 4 *s.* 3 *d.* would come to the same result as a larger capital invested upon transactions of 6 *s.* Thus upon what I would venture to call Mr. Hardaker's scheme, termed by me the "step process," the interest of one year upon 2 *s.* 3 *d.*, which, under the present Act, is 6 *d.*, or one halfpenny per month, will hereafter be 1 *s.*, or 44½ per cent. per annum. The interest upon 4 *s.* 3 *d.* for one year is now 10 *d.*, then it would be 1 *s.* 6 *d.*, or after the rate of 35½ per cent. per annum. The interest upon 10 *s.* 3 *d.* for one year will be 3 *s.*, or about 29½ per cent. per annum. Not to be tedious, I pass on to the smallest rate per cent. which you can find in the proposed scheme, which is that upon 40 *s.* 3 *d.* The interest, which is now 8 *s.*, will then be 10 *s.* 6 *d.* for a year, or 26¼ per cent. Again, in connection with the question of profits, I have travelled on into that of half-months respecting which this Committee has had much evidence. In dealing with clause 5, which defines and regulates half-months, the same spirit pervades the new proposals, that is to say, they are giving little and taking much. They wish to make a concession of three days, that is, we get half-a-month's interest now for seven days; but they wish to throw away the privilege which is conceded to us of taking half-a-month for seven days, and to take upon the tenth day a whole month's interest, which is giving to the public three days, abstracting from the public four days. Thus we now give them seven days before we charge the half-month, but hereafter we shall give them 10 days, and on the eleventh we shall be entitled to charge one month's interest. That, again, will be a considerable aggravation of the pawnbroker's profit.

5137. Colonel *Beresford.*] You quoted a halfpenny for 2 *s.*; you will, I think, see that it is a halfpenny for under 2 *s.*?—That intensifies my case. I say that the moment a pawnbroker lends 2 *s.* 3 *d.*, hereafter he will have the privilege of charging 1 *d.* a month for it; then why should he lend 4 *s.*

5138. Mr. Alderman *Carter.*] Is it not the Irish rate for which the pawnbrokers are contending?—I never was a pawnbroker in Ireland, and I do not know.

5139. Then you do not know whether in the place where this has been tried there have been those faults found with it and those evils which you say will be the result of adopting that rate?—There is nothing here which is borrowed from others. It is my own working out, and I am not indebted to any experience in Ireland for any of the facts which I bring before you.

5140. Would not any rate going by steps be liable to precisely the same objection as you

ou have made?—I venture to answer the ques-
on thus: that the established rate by Act of
arliament is emphatically one of per-centage,
d the pawnbrokers of London, and I hope
the country, are sufficiently well educated
it to calculate it correctly, if they wish to do
. The moment that you give a new rate you
troduce new irregularities, and they will have
learn the business over again. This question
s been well argued and firmly settled some 15
16 years ago.

5141. But I still press the question, would not
y process by steps of this kind be liable to the
me objection as you have taken to the 2 *s.*?—
ndoubtedly it would; consequently I have a
rong preference for the *pro ratâ* system, which
ery young man can calculate.

5142. Then you would have all the fractional
jections in the system in the future, that you
ve had in the system in the past?—I would.

5143. Would you compel the pawnbroker to
d the farthings?—I may say that I do as fine
business as any pawnbroker, and I keep as
any farthings as the poorest, and no customer
s the opportunity of going away without
ceiving the farthing.

5144. Do you do a low business?—I am well
quainted with all kinds of business.

5145. I ask you, do you do a low business, or
your business an exceptional business, where
ur pledges are for large amounts?—I admit
at my pledges many of them are large ones;
t my principal shop is under the shadow of
emple Bar, which you might call a link uniting
e west with the east of London; and in just
ch a sense my business is somewhere between
e two extremes, that of a high business, and
extremely low one.

5146. What is the number of your pledges
der 3 *s.* during the year?—I have not taken
at out of my books.

5147. Can you give in the number to within
0 or 1,000?—Yes; I should think we take in
per day under 2 *s.*, and I should like to use
e opportunity of stating, that I never yet have
ken ½ *d.* for a pledge under 5 *s.* I should mis-
d the Committee if I spoke as to two shops.
am only speaking of one in anything I say.

5148. Then do you take in 6,000 low pledges
year at each of your pledge shops, or only at
e of them?—At each of them.

5149. That is, 12,000 per annum?—Twelve
ousand per annum. A pawnbroker under-
ands by low pledges everything below 10 *s.*
ut I am not misunderstanding you; I say that
I take in 20 per day of 2 *s.* 6 *d.* and under, at each shop; but it will be more convenient to speak as from one shop.

5150. You have been arguing that in making the calculation on the low pledges you ought to take no account of the other business, because the manager may have nothing to do with the low business; do the 12,000 pledges of small amounts pay, throwing out of the account, if you like, the manager?—I shall answer that question best, I think, in these words: that my expenses would be precisely the same if I had not those 12,000 low pledges.

5151. Then it would be right, in calculating the expenses of the low pledges, to divide the whole pledges over the amount of the expenses of your business?—If you please; but I must ask the Committee to remember that that leaves the 5 *l.* and 10 *l.* pledge costing no more than the 1 *s.* ones.

5152. *Chairman.*] Is it not the fact that the *pro ratâ* system which you advocate is somewhat difficult to calculate?—Emphatically no.

5153. Could you conduct the business profitably on pledges at the present rate under 10 *s.*?—There is no business in London to which such a question would apply. There is no business in London composed of pledges limited to 10 *s.*

5154. I am aware of that; but do you calculate that business transactions on the present scale, where pledges were under 10 *s.*, would be profitable or unprofitable?—The same reply occurs to my mind, and I cannot get rid of it.

5155. Mr. Alderman *Carter.*] If the pledges only average 6 *s.*, would that be a paying business, or would it be likely to be a paying business?—Undoubtedly.

5156. *Chairman.*] At the present rate?—I am sure that it does pay; and you will allow me to remind the Committee of something which has emanated from them. It has been asked repeatedly whether or not it is the habit of pawnbrokers to divide pledges; some ingenious question was even asked if a shawl was separated from a gown, and so on. Is not that suggestive to the minds of the Committee that some pawnbrokers are thinking that the greater the number of pledges the greater the amount of profit. If their theory is worth anything, the greater the amount of transactions the greater would be their loss.

5157. Has not your calculation been based upon extreme points, that is to say, the worst aspect of the step process?—Yes, I admit that.

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APPENDIX.

Appendix, No. 1.

FORM of DECLARATION handed in by Mr. *Hardaker.*

Unless this printed Form is taken at once before a Magistrate, Declared to, Signed, and returned to the Pawnbroker, the property will be delivered to the Ticket.

Copy of a Note or Memorandum.

J. & W. E. ARCHBUTT, 201, Westminster Bridge Road, S.

SURREY, (to Wit,)

I of

do solemnly and sincerely Declare, That on the Day of 186 Pledged at the Shop of Messrs. J. & W. E. ARCHBUTT, 201, Westminster Bridge Road, S. the Article mentioned in the Margin, and received a Note or Memorandum of the same which I have since lost, mislaid, or destroyed; that I have not sold or transferred the same to any person or persons whomsoever, and that the Article so pledged Property.

And I make this solemn Declaration, conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Sixth Year of the Reign of King William the Fourth, intituled—

"An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations, taken and made in various departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affidavit, and to make other Provisions for the abolition of unnecessary Oaths.'"

Declared before me, One of Her Majesty's Justices of the Peace, this day of 186

ration Copy of the
given to
.
day of
The GOODS herein
l Delivered to me

08.

Appendix, No. 2.

ACCOUNT of PROFIT on BUSINESS at 139, East Street, Walworth, from 1st January to 31st December 1869

[Referred to in the Evidence of the Proprietor, *George Attenborough.*]

Cr. *Dr.*

	£.	s.	d.		£.	s.	d.
To Interest and Ticket Fees	905	5	11	By Expenses, viz.:			
„ Retail Sale Profit	70	17	2	Salaries (four assistants and one female servant)	171	5	2
				Board of - ditto - ditto	115	13	4
				Rent	50	16	2
				Repairs	21	16	-
				Rates and Taxes	31	9	6
				Licenses	20	15	-
				Gas	19	4	4
				Duplicates and Books	20	10	9
				Sundry Expenses	9	19	2
				Loss on Unredeemed Pledges	31	15	10
				Given up to Police	-	12	-
				Deficient at stocktaking; presumed to be stolen	106	3	4
				Balance of deficiency in daily accounts	7	16	7
				By Balance of profit	368	5	11
	976	3	1	£.	976	3	1
To Balance of Profit	368	5	11	By Capital employed, viz.:			
Less 5 per cent. Interest for 12 months on 4,021 *l.* 8 *s.* 3 *d.*	201	2	5	Pledge Stock	3,233	1	9
				Ten per cent. premium	323	6	2
£.	167	3	6	Sale Stock	133	3	7
				Cash in Till	131	16	9
				Lease, Fixtures, and Plant	200	-	-
				£.	4,021	8	3

NET PROFIT.

£ 167. 3 *s.* 6 *d.* is 4 *l.* 3 *s.* 1 *d.* per cent. profit on 4,021 *l.* 8 *s.* 3 *d.*

FORM of Special Contract submitted by Mr. *George Attenborough.*

Form of, and Regulations respecting, Special Contract.

1.—Form.

No. _____

Special Contract of Pawn.

Date

me and Address of Pawnbroker in full] has day advanced to me the sum of

Pounds, Shillings, Pence, on the following

£. *s.* *d.*

Property, namely:

on these terms:

rge on the above-mentioned oan for one Month, or any ss time, and the same for y subsequent Month or part a Month (with seven Days' race), payable on Redemption £. *s.* *d.*

To be redeemed in Months, or eited.

Signed

No. _____

Note of Special Contract of Pawn.

Date

[*Name and Address of Pawnbroker in full*] has this day advanced the sum of

Pounds, Shillings, Pence,

£. *s.* *d.*

to

Name

Address

on the following Property, namely:

and on these terms:

Charge on the above-mentioned Loan for one Month, or any less time, and the same for any subsequent Month or part of a Month (with seven Days' grace), payable on Redemption - - - - £. *s.* *d.*

To be redeemed in Months, or forfeited.

2.—Regulations.

. Each Note of a Special Contract shall bear a number corresponding with the number on the Contract.

. No two Notes issued in the same month shall bear the same number.

. All Special Contracts shall be bound in a Book, and shall be kept by the Pawnbroker for not less than lve months after the respective times when the things pawned become forfeited or saleable.

Appendix, No. 3.

PAPER handed in by Mr. *Telfer*, 16th June 1870.

BALANCE SHEET for the Year 1869.—*J. A. Telfer*, Pawnbroker, London.

(Charging 5 per Cent. for the Capital invested.)

Dr. — CAPITAL ACCOUNT. — *Cr.*

	£. s. d.		£. s. d.	£. s. d.
To Cash invested in Pawnbroking	8,201 – –	By Amount lent on Pledges	6,936 – –	
„ Ditto „ Retail Sale	1,007 – –	„ Accumulated Interest on ditto	693 – –	
		„ Cash in Till, and Reserve	572 – –	
		„ Sale Stock	1,007 – –	
£.	9,208 – –	£.		9,208 –

PROFIT AND LOSS ACCOUNT.

	£. s. d.		£. s. d.	£. s. d.
To Interest received	1,146 4 11	By Business Expenses	20 – –	
„ Ticket Fees	195 9 2	Printing and Repairs (say)	20 – –	
„ Profit on Retail Sale	272 1 8	Sundries (say)	20 – –	
		License	20 15 –	
		Rent (say)	80 – –	
		Rates and Taxes	42 5 –	
		Wages of Officials	294 – –	
		Keep of ditto	171 3 7	
		Gas	10 18 4	
		Insurance	13 8 6	
		Stationery	12 – –	
				684 10
		By Losses on Sales of Unredeemed Pledges	– –	167 10
		„ Loss on three parcels of Stolen Goods	– –	– 14
		„ One Year's Interest on Capital, at 5 per cent. per annum	– –	460 8
		„ Net Profit (3·27 per cent.)	– –	300 13
£.	1,613 15 9	£.		1,613 15

SALE DEPARTMENT ONLY.

	£. s. d.		£. s. d.
To Profits on Retail Sales	272 1 8	By proportion (1-9th) of Expenses	94 14
		„ One Year's Interest on Capital	50 7
		„ Net Profit (12·61 per cent.)	126 19 11
£	272 1 8	£.	272 1

PAWNBROKING DEPARTMENT ONLY.

	£. s. d.		£. s. d.
To Interest	1,146 4 11	By proportion (8-9ths) of Expenses	758 – –
„ Ticket Fees	195 9 2	„ One Year's Interest on Capital	410 1 –
		„ „ Net Profit (2·1 per cent.)	173 13 1
£.	1,341 14 1	£.	1,341 14 1

Number of Pledges taken in, 69,784; Sum advanced, 21,663*l.*; Average Loan, 6*s.* 3*d.*; Average Cost per Pledge, 2½ $\frac{4}{10}$ *d.*

Pawnbroking Earnings give		6·2 per cent. on the Amount lent (21,663 *l.*).
„ „ Working Expenses	3·5	5·3 „ „ „ „
„ „ Interest on Capital	1·8	
Leaving a Net Profit of	·9	

One Month's Interest is 1⅔ per cent.; 1½ Month's, 2½ per cent.; 2 months', 3⅓ per cent.

Appendix, No. 4.

PAPER handed in by Mr. *Brooking*.

SUGGESTED TABLE of Profits by Mr. *Brooking*, of *Exeter*.

ONTHS.	1 *s.* and under.	4 *s.* and above 1 *s.*	10 *s.* and above 4 *s.*	1 *l.* and above 10 *s.*	10 *l.* and above 1 *l.*	Tickets.	Principal.	Suggested Profits.		Present Profits.	
								Interest.	Brokerage.	Interest.	Ticket Money.
							£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*
- -	191	436	146	37	12	822	147 7 6	2 15 7½	4 6 7	3 2 5¼	2 - 9
- -	33	44	23	3	5	108	29 12 7	- 16 11	- 17 11½	1 1 3½	- 6 -
- -	13	36	16	2	2	69	15 1 6	- 12 5	- 8 5½	- 15 5	- 3 9½
- -	8	20	10	2	4	44	13 9 7	- 13 7½	- 7 7½	- 16 2¾	- 2 1
- -	16	24	8	2	2	52	13 16 8	1 - 5	- 6 11½	1 5 -¼	- 2 2¼
- -	15	25	6	4	4	54	16 12 9	1 6 3	- 7 5	1 15 4	- 3 1
	276	585	209	50	29	1,149	236 - 7	7 5 3	6 15 -	8 15 8¾	2 17 11
								6 15 -		2 17 11	
							£.	14 - 3	£.	11 13 7¾	

Appendix, No. 5.

PAPER handed in by Mr. *Archibald McKay*.

STATEMENT of Accounts for the Year 1869.—*A. McKay*, Pawnbroker, *Glasgow*.

Dr. **Capital Account.** *Cr.*

	£. *s.* *d.*		£. *s.* *d.*
Cash employed in Pawnbroking - - -	4,482 11 2	By Loans on Pledges - - - - - -	3,500 - -
		„ accumulated Interest on ditto - - -	350 - -
		„ Value of Lease and Fixtures - - - -	300 - -
		„ Cash in Till and Reserve - - - -	332 11 2
£.	4,482 11 2	£.	4,482 11 2

Profit and Loss Account.

	£. *s.* *d.*		£. *s.* *d.*
Interest received - - - - - -	477 7 8½	By Business Expenses - - - 167 2 2	
Ticket Fees - - - - - - -	136 5 10	„ Rent - - - - - - 60 - -	
			227 2 2
		„ Interest 5 per Cent. on Capital - - -	224 2 -
		„ Net Profit - { 3·6 per Cent. on Capital / 1·9 per Cent. on Turnover }	162 9 4½
6 per Cent. on Capital / per Cent. on Turnover } - - - £.	613 13 6½	£.	613 13 6½

Number of Pledges taken in, 53,884. Amount lent, 8,372 *l.*
Average Loan, 3 *s.* 1 *d.* Average Cost per Pledge, $1\frac{1}{55}$ *d.*

Appendix, No. 6.

PAPER handed in by Mr. *Keeson*, 30 June 1870.

VOUCHER OF MONT-DE-PIÉTÉ AT PARIS.

A renouveler dans un an.

Modèle 222.

1re DIVON.

MONT-DE-PIÉTÉ DE PARIS

CHEF-LIEU

Rue des Blancs Manteaux et rue de Paradis (Marais)

Les bureaux sont ouverts savoir : au Chef-Lieu et aux Succursales, de 9 h. du matin jusqu'à 4 h. après midi, pour les Engagements ; De 9 h. du matin à 2 h. après midi, pour les Dégagements, Renouvellements et Bonis. Dans les Bureaux auxiliaires, de 9 h. du matin à 8 h. du soir, pour toutes les opérations indistinctement. Les Dimanches et Fêtes, ces divers établissements sont ouverts, pour les Dégagements, Renouvellements et Bonis seulement, de 9 h. à midi.

N°	PRÊT.	DATE DE L'ENGAGEMENT.
		Du Juin 1870

REMBt N°

Du 187

Prêt.....	
Intérêt, 6 p. 0/0.....	
Frais, 3 p. 0/0	
Droit temporaire, 1/2 p. 0/0.	
Droit de prisée, 1/2 p. 0/0 ..	
TOTAL.....	

Le Receveur, | *Le Contrôleur,*

Il a été déposé cejourd'hui, au Mont-de-Piété, pour NANTISSEMENT d'un PRÊT

de

Estimation du nantissement : fr.

(M. Comre, N° avait avancé fr.

Expédié par moi, soussigné, | Pour le Caissier central, *le Commis payeur,*

VENTE N° du 187

Produit de l'adjudication	
Prêt	
Droit pour quinz.	
Droit temporaire.....	
Droit de prisée.....	
BONI.....	
Payé au Commissionnaire le	
Reste à payer sur le BONI..... ..	

Case

N° d'appel

Le Commissionnaire soussigné a reçu de l'Emprunteur, en lui remettant la présente reconnaissance, la somme de

Ou bien : Le Commissionnaire soussigné a payé pour solde à l'Emprunteur, en lui remettant la présente reconnaissance.

CONDITIONS DU PRÊT.

1° La durée de l'engagement est d'un an.

2° L'administration prélève six pour cent pour l'intérêt des prêts et trois pour cent pour les frais de régie, de manutention et d'assurance; ces droits sont proportionnels au nombre de quinzaines écoulées, à l'exception du premier mois qui se paye entier (l'Administration peut être autorisée exceptionnellement à percevoir un droit temporaire de compensation).

3° Il est dû en outre un droit fixe d'appreciation d'un demi pour cent sur le montant du prêt.

4° Tout nantissement non renouvelé ou dégagé dans le délai d'un an est vendu dans le cours du treizième mois ; toutefois il est loisible à l'emprunteur de requérir la vente de son nantissement trois mois après l'engagement (les marchandises neuves exceptées).

5° Si le montant de la vente est supérieur à la somme prêtée plus les droits, l'excédant (Boni) reste à la disposition de l'emprunteur ; mais tout boni qui n'est pas réclamé dans le délai de trois ans à partir du jour de l'engagement, appartient aux hospices.

6° En cas de perte du nantissement, la valeur en sera payée au propriétaire au prix d'estimation fixé lors du dépôt par les Commissaires priseurs de l'établissement et avec l'augmentation d'un quart en sus à titre d'indemnité.

Payé pour BONI la somme de

sous le n°

Ce 187

Réquisition de vente n°

L'emprunteur a requis la vente de son nantissement.

Ce 187

Prêts, n° 19.

Amsterdam Little Pawn House Ticket.

K. P. H. No. 1, stands for Kleine Pandjes Hius, No. 1 (Small Pawn House, No. 1.)

This Ticket is cut across from A to B, one-half is retained, and the other given to the Pledger.

Appendix, No. 7.

PAPERS handed in by Mr. *Richard Attenborough.*

Form of Deposit Note.

33, Piccadilly.

I have this day deposited with Mr. Richard Attenborough the following Goods, viz.:

to be held by him as a Security for the payment of the sum of this day lent by him to me, together with Interest thereon from the date hereof after the rate of per cent. per annum till payment, and should such sum of £. and Interest not be paid by me to the said Richard Attenborough by the day of next, I do hereby authorise and empower the said Richard Attenborough, his executors, administrators, or assigns, to sell or dispose of the said articles, or any of them, either by public sale or private contract, and out of the proceeds thereof to pay the expenses of and incidental to such sale, and retain the said sum of £. and Interest thereon after the rate aforesaid until the time of such retainer or so much and such part thereof respectively as shall remain unpaid.

Dated the day of .

No. 229.

Given to Customer.

List of Property.

The above property is deposited with me by

as Security for Loan of and Interest as per agreement with power of Sale if not redeemed within months.

Dated this day of

Richard Attenborough,
33, Piccadilly.

No. 229.

Similar Forms of *J. Thunrig, William Harding, George Barker,* and *Joseph Avant,* produced but not printed.

Pawnbrokers Act, New York.

Section 1. The mayor of the said city may, from time to time, grant licenses, under his hand and seal, to such persons as shall produce to him satisfactory evidence of their good character, to exercise or carry on the business of a pawnbroker.

2. Every person receiving such license, shall pay therefor the sum of 50 dollars, for the use of the city.

3. Every person so licensed shall, at the time of receiving such license, enter, with two sufficient sureties, into a joint and several recognisance, to the mayor, aldermen, and commonalty of the city of New York, in the penalty of 500 dollars, conditioned for the due observance of all such ordinances of the common council as may be passed or in force respecting pawnbrokers, at any time during the continuance of such license.

4. Every pawnbroker shall keep a book, in which shall be fairly written, at the time of each loan, an accurate account and description of the goods, article, or thing pawned, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the said goods, article, or thing.

5. Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, article, or thing, a memorandum or note, signed by him or her, containing the substance of the entry required to be made in his or her book by the last preceding section; and no charge shall be made or received by any pawnbroker for any such entry, memorandum, or note.

6. The said book shall, at all reasonable times, be open to the inspection of the mayor, recorder, aldermen, assistants, and special justices for preserving the peace of the city of New York, or any or either of them, or of any person who shall be duly authorised, in writing, for that purpose, by any or either of them, and who shall exhibit such written authority to such pawnbroker.

7. Every pawnbroker who shall violate, or neglect, or refuse to comply with any or either of the provisions of the fourth, fifth, or sixth sections of this title shall, for every such offence, forfeit and pay the sum of 25 dollars.

8. No pawnbroker shall ask, demand, or receive any greater rate of interest than 25 per cent. per annum upon any loan not exceeding the sum of 25 dollars or than seven per cent. per annum upon any loan exceeding the sum of 25 dollars, under the penalty of 100 dollars for every such offence.

9. No pawnbroker shall sell any pawn or pledge until the same shall have remained one year in his or her possession, and all such sales shall be at public auction, and not otherwise, and shall be made and conducted by such auctioneer as shall be approved of for that purpose by the mayor of the city of New York.

10. Notice of every sale shall be published for at least 12 days previous thereto, in one or more of the daily papers printed in the city of New York; and such notice shall specify the time and place at which such sale is to take place, the name of the auctioneer by whom the same is to be conducted, and a description of the goods or articles to be sold.

11. The surplus money, if any, arising from any such sale, after deducting the amount of the loan, the interest then due on the same, and the expenses of the advertisement and sale, shall be paid over by the pawnbroker to the person who would be entitled to redeem the pledge in case no such sale had taken place.

12. No pawnbroker shall make any loan on the separate or divided part or parts of any one article or thing, and which article or thing shall have been offered entire or collectively to him or her, by way of pawn or pledge.

13. No pawnbroker shall, under any pretence whatever, purchase or buy any second-hand furniture, metals, or clothes, or any other article or thing whatever, offered to him or her as a pawn or pledge.

14. Every pawnbroker who shall violate, or neglect, or refuse to comply with any or either of the provisions of the eighth, ninth, tenth, eleventh, twelfth, or thirteenth sections of this title shall, for every such offence, forfeit and pay the sum of 100 dollars.

Appendix, No. 8.

Form of Deposit Note of Mr. *George Asher*, Sunderland.

Memorandum, made this day of 18
Mr. of
has deposited with Mr. George Asher,
158, High-street, Sunderland,

as security for Pounds, Shillings,
now advanced to h by Mr. George Asher, and
for Interest thereon, and also interest thereon after the
rate of per cent. per annum, from the
day of next (if not previously repaid), till re-
payment, and M hereby authorises the said Mr.
George Asher to deliver up at any time before the sale
thereof, all the said property to any person who shall de-
liver to him the cheque or memorandum specifying the
property deposited, as aforesaid, and given at the signing
hereof, and paying said principal sum and interest as afore-
said. In case M should not
repay the said sum, with interest, within
months from this day, he hereby authorises
Mr. George Asher to sell the said Articles without notice,
and out of the net proceeds to pay himself the sum of
Pounds, Shillings, and Interest
as aforesaid, M undertaking to make
good any deficiency that may arise out of such Sale.

Witness,

George Asher,
158, High-street, Sunderland.

Deliver to Bearer.

On Payment to you of
£. a
Interest for which you hold t
said Articles as security.*

Witness

**Redeemable for mont*
from day of 18

Form of Deposit Note of Mr. *William Chilton*, Berkhamstead.

No. Berkhamstead 18

Mr. William Chilton, Pawnbroker, 4, Castle-street,
Berkhamstead, has this
lent and advanced
to me the sum of
and as security for the same and charges, I have deposited
with him

and in case I should neglect or omit to repay him the
amount on or before
I hereby give him full power and authority to sell the same
by public or private sale, and I hereby abandon all further
claim to the said goods and proceeds thereof if sold.

As Witness my hand

No.
Berkhamstead.
18

List of Property Deposited

With full power of Sale as p
Agreement.
Due

William Chilton,
4, Castle-street, Berkhamstead.

STATISTICS of Pawnbroking Businesses in the Town of *Liverpool*, for the Year 1869.

Number of Return.	Pledges not exceeding 2 *s.* 6 *d.*		Pledges of 2 *s.* 6 *d.* and not exceeding 10 *s.*		Pledges of 10 *s.* and not exceeding £. 10.		Ticket Fees received.	Interest received.	Sale of Unredeemed Pledges.		Rent and Expenses of Establishment.	Amount of Capital Employed.
	Number.	Amount.	Number.	Amount.	Number.	Amount.			Profit.	Loss.		
		£. *s.* *d.*		£. *s.* *d.*		£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*
1	44,400	4,644 – –	27,600	5,520 – –	nil.	nil.	130 10 –	485 10 –	– – –	96 – –	500 – –	4,000 – –
2	49,060	3,047 – –	10,200	2,302 – –	2,520	2,480 – –	126 – –	410 – –	– – –	56 – –	270 – –	3,050 – –
3	40,000	2,000 – –	15,000	2,250 – –	3,000	2,500 – –	180 – –	600 – –	– – –	200 – –	400 – –	4,000 – –
4	22,666	1,280 – –	44,000	8,200 – –	1,760	1,420 – –	156 – –	419 16 7	– – –	20 – –	550 – –	3,000 – –
5	14,400	1,230 – –	21,600	5,900 – –	2,500	1,900 – –	85 – –	240 – –	– – –	– – –	– – –	2,500 – –
6	10,000	500 – –	40,000	6,000 – –	–	–	120 10 –	600 – –	– – –	50 – –	500 – –	3,000 – –
7	16,416	1,303 – –	12,816	3,496 – –	2,640	3,624 – –	84 14 6	360 – –	– – –	none	320 – –	3,000 – –
8	29,300	2,254 – –	19,430	3,567 – –	600	367 – –	124 19 –	664 11 –	– – –	297 – –	349 – –	5,000 – –
9	17,900	1,310 – –	18,300	3,760 – –	1,440	1,150 – –	85 – –	255 – –	– – –	15 – –	269 – –	1,200 – –
10	14,400	1,200 – –	9,600	2,400 – –	550	450 – –	64 10 1	220 – –	– – –	84 – –	317 – –	1,400 – –
11	26,312	2,184 – –	28,990	7,776 – –	6,533	7,370 – –	160 10 5	1,084 15 3	– – –	66 – –	620 – –	7,500 – –
12	5,000	400 – –	11,600	3,300 – –	6,412	13,000 – –	93 – –	1,400 – –	132 – –	– – –	520 – –	9,000 – –
13	11,000	800 – –	14,000	2,200 – –	3,500	5,500 – –	60 15 –	698 – –	124 – –	– – –	847 – –	5,200 – –
14	30,024	2,251 – –	24,688	7,431 – –	–	–	123 – –	325 – –	20 – –	– – –	189 – –	1,860 – –
15	12,684	979 – –	15,336	4,016 – –	3,036	3,209 – –	85 5 6	551 16 9	– – –	17 – –	401 – –	3,268 – –
16	6,912	504 – –	10,920	3,540 – –	1,392	1,800 – –	43 3 –	320 10 –	120 – –	– – –	400 – –	2,400 – –
17	17,712	1,524 – –	18,300	4,200 – –	1,630	1,203 – –	90 – –	318 – –	– – –	– – –	320 – –	2,000 – –
18	21,984	1,687 – –	23,160	6,216 – –	2,447	3,348 – –	96 – –	495 – –	– – –	55 – –	300 – –	3,000 – –
19	25,112	2,011 – –	21,120	5,316 – –	1,569	1,346 – –	113 16 7	251 11 9	– – –	65 – –	300 – –	1,701 – –
20	18,432	1,521 – –	23,292	6,110 – –	4,692	5 382 – –	130 – –	969 – –	– – –	69 – –	644 – –	6,469 – –
21	10,322	619 – –	9,412	2,434 – –	883	706 – –	44 – –	160 – –	26 – –	– – –	85 – –	800 – –
22	4,800	498 – –	14,693	302 – –	6,607	13,222 – –	120 10 2	1,367 13 9	– – –	26 – –	743 – –	8,500 – –
23	23,808	1,819 – –	19,536	2,647 – –	2,784	3,484 – –	106 – –	447 – –	– – –	75 – –	401 – –	5,000 – –
24	36,372	2,434 – –	19,608	5,121 – –	2,270	2,506 – –	122 4 6	715 10 6	– – –	4 – –	725 – –	4,000 – –
25	16,986	1,410 – –	22,360	5,744 – –	3,946	4,118 – –	102 3 1	300 11 10	– – –	29 – –	316 – –	3,100 – –
26	32,051	2,036 – –	39,672	8,408 – –	1,039	1,588 – –	157 8 5	491 12 5	– – –	130 – –	462 – –	5,000 – –
27	54,000	4,096 – –	39,600	10,380 – –	4,200	4,800 – –	228 – –	852 17 4	– – –	– – –	750 – –	5,400 – –
28	44,140	3,233 – –	29,156	7,610 – –	2,236	1,607 – –	163 – –	416 14 7	– – –	24 – –	455 – –	2,700 – –
29	21,084	1,812 – –	23,316	6,168 – –	3,820	4,728 – –	105 – –	507 – –	52 – –	– – –	346 – –	4,000 – –
30	25,380	1,841 – –	11,172	2,605 – –	504	214 – –	77 11 10	164 1 10	15 – –	– – –	195 – –	1,020 – –
	702,657	52,457 – –	638,477	147,619 – –	74,530	93,022 – –	3,378 12 1	16,091 13 7	489 – –	1,348 – –	12,485 – –	112,068 – –

Averaging nearly 1 *s.* 6 *d.* each. Averaging 4 *s.* 7½ *d.* each. Averaging 1 *l.* 5 *s.* each.

General average of the above, 4 *s.* 1½ *d.*

£. 19,470 5 *s.* 8 *d.* gross profit, being 17·3 per cent. on amount of pledge stock.

Average cost of each pledge, twopence and $\frac{4}{10}$ of a farthing. Average *net* profit per pledge, nearly one farthing.

	£.		
Business expenses	12,485	being 11·1 per cent. on	amount of pledge stock, 112,068 *l.*
Interest on capital	5,603	„ 5·0 per cent. on	ditto ditto.
Net profit	1,382	„ 1·2 per cent. on	ditto ditto.
Gross Earnings for the year £.	19,470	being 17·3 per cent. on	ditto ditto.

Appendix, No. 10.

Appendix, No. 10.

CONDENSED RETURN of GOODS ILLEGALLY PLEDGED in the Year 1868 with PAWNBROKERS carrying on business at London, Manchester, Croydon, Smethwick, Newcastle-on-Tyne, Greenock, Hanley, Wolverhampton, Peckham, Salford, Bow, Sheffield, Oldham, Cambridge, Edinburgh, Stockport, Chesterfield, Halifax, Liverpool, Stepney, Cardiff, Bilston, Brierly Hill, Lancaster, Hounslow, Leeds, Rochester, Birkenhead, Yarmouth, Gateshead, Whitby, Middleborough, Nottingham, Glasgow, and Leith.

10 Pawnbrokers received no illegal pledges in 263,393 pledges taken.
28 Pawnbrokers received 132 - ditto in 1,085,555 ditto.

Giving a total of - 132 illegal pledges in 1,348,948 ditto.
Or in the proportion of one in 10,219.

Appendix, No. 11.

Appendix, No. 11.

RETURN from FOUR PAWNBROKERS at *Leicester*.

	Number of Pledges taken in during the Year 1869.	Number of Attendances at Police Court.
1 - - -	54,620	9
2 - - -	35,740	2
3 - - -	41,558	3
4 - - -	39,600	4
TOTAL - -	171,518 Or 1 in 9,528	18

Appendix, No. 12.

Appendix, No. 12.

RETURN from NINETEEN of the TWENTY PAWNBROKERS in the Town of *Nottingham*.

Number of Pledges taken in during the Year 1869.	Number Illegally Pledged.
586,678	45

Making one in every 13,037 pledges received.

Number of robberies reported during the year - - - 302

Appendix, No. 13.

Appendix, No. 13.

BALANCE SHEET Compiled from RETURN made by PAWNBROKERS in the City of *Cork* in the Year 1838, to a Select Committee of the House of Commons, showing the PROFITS of the Pawnbroking Business under the Irish Rates of Remuneration.

Amount of Capital - - - - - £. 29,672 5 *s.* 9 *d.*

Profit and Loss Account for the Year 1837.

	£.	*s.*	*d.*		£.	*s.*	*d.*
To interest and ticket fees received during the year -	6,855	7	5	By expenses - - -	3,011	19	5
				By interest on capital (5 per cent.) - - - -	1,483	12	3
				By net profit (8 per cent.) -	2,359	15	9
£.	6,855	7	5	£.	6,855	7	5

APPENDIX

AND

I N D E X

TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

PAWNBROKERS.

Ordered, by The House of Commons, *to be Printed*,
21 *July* 1870.

Appendix, No. 14.

PAGE

Papers handed in by Mr. John Dicker and referred to in his Evidence, 13 June 1870 :—

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Analysis of the Pledges Redeemed at a Pawnbroker's (being the same House of Business as that referred to in Statement C) on One Saturday, 7th May 1870 - 253

Appendix, No. 15.

Return of Licensed Pawnbrokers in each City, Borough, and rest of each County in the United Kingdom, and the Amount received in Duty - - - - - - - 254

Appendix, No. 14.

PAPERS handed in by Mr. *John Dicker*, and referred to in his Evidence, 13 June 1870.

The whole of these Statements can be verified by Books.

STATEMENT A.

Section 1.—Capital, and how Invested.

	£.	s.	d.
Pledge Stock	8,919	–	7
Premium on Stock	800	–	–
Cash	890	–	–
	573	11	–
	11,182	11	7
Amount of Sale Stock	3,034	14	5
TOTAL £.	14,217	6	–

Section 2.—Showing Gross Earnings, Business Expenses, and Net Profit.

		£.	s.	d.	£.	s.	d.
Year's Earnings	Interest	1,406	15	1			
	Ticket Fees	193	2	5			
		1,599	17	6			
Earnings of Sale		1,144	17	–			
					2,744	14	6
Year's Expenses	Painting and Repairs	121	12	7			
	Goods for House	–	9	–			
	Losses (by Sales, 26*l.* 6*s.*)	189	12	7			
	Shop Expenses	55	16	7			
	Rent and Rates	219	12	9			
	Wages and Officials	437	11	1			
	Gas Account	34	1	6			
	Keep of Officials	182	16	1			
	Insurance	28	1	1			
	Stationery, &c.	24	–	6			
					1,293	13	9
The Net Earnings 10·271 per Cent. on Capital £.					1,451	–	9

Section 3.—Referring to Pawnbroking Department only.

	£.	s.	d.		£.	s.	d.
Interest	1,406	15	1	Pledge Stock	8,919	–	7
Ticket Fees	193	2	5	Premium	890	–	–
	1,599	17	6	Lease of Premises	800	–	–
				Cash	573	11	–
Deduct,—3-4th of Expenses	970	5	3				
				The Net Earnings giving 5·640 per Cent. on Capital £.	11,182	11	7
TOTAL £.	629	12	3				

Section 4.—Referring to Sale Department only.

	£.	s.	d.		£.	s.	d.
Gross Earnings of Sale Stock	1,144	17	–	Amount of Sale Stock	3,034	14	5
Deduct,—1-4th of Expenses	323	8	5				
				The Net Earnings giving 27·074 per Cent. on Capital.			
TOTAL £.	821	8	7				

Number of Pledges taken in – 69,656

	£.	s.	d.
Sum Advanced	23,954	7	2
Average of each Pledge	–	6	11

Pawnbroking Gross Earnings, give	6·678
Ditto Expenses, give	4·050
Leaving a Net Profit of	2·628

per Cent. on £. 23,954. 7. 2., Lent.

	d.
One Month's Interest on the average Pledge of 6*s.* 11*d.* would be	1½
Ticket Fee on ditto ditto	½
Showing when a Pledge is delivered within One Month an actual Loss of	1¼
The average Cost of each Pledge being	3¼

STATEMENT B.

Section 1.—Capital, and how Invested.

	£.	s.	d.
Amount of Pledge Stock	7,879	7	7
Premium on Pledge Stock	787	18	–
Lease and Goodwill	800	–	–
Cash in Till and at Bankers	1,092	18	5
	10,560	4	–
Amount of Sale Stock	2,867	13	2
£.	13,427	17	2

Section 2.—Showing Gross Earnings, Business Expenses, and Net Profit.

		£.	s.	d.	£.	s.	d.
Year's Earnings	Interest	1,180	12	2			
	Ticket Fees	164	2	2			
		1,344	14	4			
Earnings of Sale		714	7	11			
					2,059	2	3
Year's Expenses	Painting and Repairs	18	6	3			
	Goods for House, Stationery	3	13	2			
	Losses	76	18	6			
	Shop Expenses	72	8	5			
	Rent and Rates	211	2	11			
	Wages of Officials	332	18	9			
	Keep of Officials	171	13	–			
	Gas Account	50	9	1			
	Insurance	22	12	3			
					960	2	4
	The Net Earnings 8·184 per Cent. on Capital £.				1,098	19	11

Section 3.—Referring to Pawnbroking Department only.

	£.	s.	d.		£.	s.	d.
Interest	1,180	12	2	Pledge Stock	7,897	7	7
Ticket Fees	164	2	2	Premium on Stock	787	18	–
	1,344	14	4	Lease of Premises	800	–	–
Deduct,—3-4ths of Expenses	720	1	9	Cash	792	18	5
TOTAL £.	624	12	7	The Net Earnings giving 6·091 per Cent. on Capital £.	10,260	4	–

Section 4.—Referring to Sale Department only.

	£.	s.	d.		£.	s.	d.
Gross Earnings of Sale	714	7	11	Amount of Sale Stock	2,867	13	2
Deduct,—1-4th of Expenses	240	–	7	Cash at Bankers	300	–	–
TOTAL £.	474	7	4	The Net Earnings give 14·962 per Cent. on Capital £.	3,167	13	2

Number of Pledges taken in 65,824

	£.	s.	d.
Sum advanced thereon	18,840	10	1
Average of each Pledge		5	9

Pawnbroking Gross Earnings, give	7·137	per Cent. on £. 18,840. 10. 1., Lent.
Ditto Expenses, give	3·822	
Leaving a Net Profit of	3·315	

	d.
One Month's Interest on the average Pledge of 5 s. 9 d. would be	1¼
Ticket Fee on ditto ditto	½
Showing when a Pledge is redeemed within One Month an actual Loss of	¾·5
The average Cost of each Pledge being	2½·5

Statement C.

Statements referring to Business of Pawnbroker, No. 2.

Capital, and how Invested.

	£.	s.	d.
Amount of Pledge Stock	8,726	9	7
Premium on ditto	870	–	–
Cash in Till and at Bank	800	–	–
Lease of Premises	1,500	–	–
Sale Stock	880	17	5
Total £.	12,777	7	–

Gross Profit and Expenses for One Year.

		£.	s.	d.	£.	s.	d.
Year's Earnings	Interest	1,706	13	2			
	Ticket Fees	320	14	7			
					2,027	7	9
Estimated Expenses	Loss by unredeemed Pledges	147	7	7			
	Repairs	35	–	–			
	Stationery, Tickets, and Books	60	–	–			
	Shop Expenses	35	–	–			
	Rent and Rates	285	–	–			
	Wages of Officials	355	–	–			
	Keep of Officials	260	–	–			
	Gas Account	40	–	–			
	Insurance	30	–	–			
	Licenses	20	15	–			
	Sundries	50	–	–			
	Goods for House	28	–	–			
					1,246	2	7
Net Earnings, 6·351 per Cent. on Capital £.					781	5	2

Number of Pledges taken in – 134,505

	£.	s.	d.
Sum Lent	28,608	8	6
Average of each Pledge	–	4	3

Pawnbroking Gross Earnings give	7·085	per Cent. on £. 28,608. 8. 6., Lent.
Expenses	4·355	
Leaving a Net Profit of	2·730	

	d.
One Month's Interest on the average Pledge of 4 s. 3 d., would be	1
Ticket Fee on ditto ditto	½
Showing when a Pledge is delivered within One Month a loss of	¾
The average Cost of each Pledge being	2¼

Transactions of Business for the Week ending 7th May 1870.

1. Redemption of Pledges.			2. Interest.			Ticket Fees.			Number of Pledges Delivered.	Number of Pledges taken in.	Money Advanced.		
£.	s.	d.	£.	s.	d.	£.	s.	d.			£.	s.	d.
47	18	1	5	6	9	1	16	9	249	725	198	15	11
26	3	5	3	10	4	1	1	7	163	482	89	4	1
30	5	–	3	19	–	–	19	6	134	437	76	19	7
40	5	9	2	17	11	–	19	3	130	446	61	–	8
62	3	6	6	3	2	–	16	6	189	371	51	11	–
375	8	7	14	6	4	–	10	3	1,899	225	44	9	9
582	4	4	36	3	6	6	3	10	2,764	2,686	522	1	–

AN ANALYSIS of the PLEDGES REDEEMED at a PAWNBROKER'S (being the same House of Business as that referred to in Statement C.) on ONE SATURDAY, 7th May 1870.

	Number of Pledges Redeemed.	Amount which had been Lent on the same.	Interest at Redemption.	Ticket Fees at Time of Pledging.	TOTAL Charges.	Per-centage on the Money that had been Advanced on the Pledges.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Redeemed within One Month of the Date of Pledging - - -	1,553	304 17 4	5 18 8½	3 8 -½	9 6 9	= 3·05 per cent.
Those Pledged at more remote Dates - -	346	72 8 2	8 6 2½	- 14 11½	9 1 2	= 12·57 per cent.
TOTAL - - -	1,899	377 5 6	14 4 11	4 3 -	18 7 11	= 4·88 per cent.

It will be seen from the above, that the gross remuneration on one (ordinary) Saturday's business was equal to 4·88 per cent. on the amount which had been lent; and, by reference to Statement C., it will be found that the business expenses (4·355 per cent.) absorb nearly the whole of that remuneration.

Note.—The object of putting in this statement is to show that many pawnbroking transactions can yield no profit to the Pawnbroker, *while others must necessarily occasion a loss.*

Saturday's redemptions are mostly *new date* pledges, therefore the per-centage is lower than on other days, when the redemption of a larger proportion of old date pledges tends to raise the per-centage of remuneration. This may be at once seen by Columns 1 and 2 of the Schedule at foot of Statement C.

Appendix, No. 14.

RETURN of Licensed Pawnbrokers in each City, Borough, and rest of each County in the United Kingdom, and the Amount received in Duty.

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
ENGLAND:				£. s. d.	£. s. d.
Bedford	Bedford	2	—	15 — —	—
	Dunstable	—	1	—	7 10 —
	Leighton Buzzard	—	1	—	7 10 —
	Luton	—	2	—	15 — —
		2	4	15 — —	30 — —
Berks	Abingdon	nil.	—	—	—
	Reading	2	—	15 — —	—
	Wallingford	nil.	—	—	—
	Windsor	2	—	15 — —	—
	Maidenhead	—	1	—	7 10 —
	Newbury	—	1	—	7 10 —
		4	2	30 — —	15 — —
Buckingham	Aylesbury	1	—	7 10 —	—
	Buckingham	1	—	7 10 —	—
	Marlow, Great	1	—	7 10 —	—
	Wycombe	2	—	15 — —	—
	Chesham	—	2	—	15 — —
	Newport Pagnell	—	2	—	15 — —
	Olney	—	1	—	7 10 —
	Slough	—	2	—	15 — —
	Stony Stratford	—	1	—	7 10 —
		5	8	37 10 —	60 — —
Cambridge	Cambridge	3	—	22 10 —	—
	Royston	—	1	—	7 10 —
	Wisbeach	—	2	—	15 — —
		3	3	22 10 —	22 10 —
Chester	Birkenhead	17	—	127 10 —	—
	Chester	5	—	37 10 —	—
	Macclesfield	11	—	82 10 —	—
	Stalybridge	*See* Lancaster.			
	Stockport	20	—	150 — —	—
	Altrincham	—	2	—	15 — —
	Congleton	—	2	—	15 — —
	Crewe	—	5	—	37 10 —
	Dukinfield	—	4	—	30 — —
	Hyde	—	5	—	37 10 —
	Knutsford	—	1	—	7 10 —
	Latchford	—	1	—	7 10 —
	Nantwich	—	2	—	15 — —
	Rock Ferry	—	1	—	7 10 —
	Runcorn	—	4	—	30 — —
	Sandbach	—	1	—	7 10 —
	Seacombe	—	1	—	7 10 —
	Sutton	—	2	—	15 — —
	Tranmere, Lower	—	1	—	7 10 —
	Witton	—	2	—	15 — —
		53	34	397 10 —	255 — —

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
				£. s. d.	£. s. d.
ENGLAND—*continued.*					
Cornwall	Bodmin	nil.	–	—	—
	Falmouth	2	–	15 – –	—
	Helston	nil.	–	—	—
	Launceston	nil.	–	—	—
	Liskeard	nil.	–	—	—
	Saint Ives	nil.	–	—	—
	Truro	3	–	22 10 –	—
	Camborne	–	1	- -	7 10 –
	Penzance	–	2	- -	15 – –
	Redruth	–	2	- -	15 – –
		5	5	37 10 –	37 10 –
Cumberland	Carlisle	12	–	90 – –	—
	Cockermouth	3	–	22 10 –	—
	Whitehaven	11	–	82 10 –	—
	Cleatormoor	–	1	- -	7 10 –
	Maryport	–	3	- -	22 10 –
	Penrith	–	2	- -	15 – –
	Wigton	–	2	- -	15 – –
	Workington	–	2	- -	15 – –
		26	10	195 – –	75 – –
Derby	Derby	6	–	45 – –	—
	Ashbourne	–	2	- -	15 – –
	Beard	–	1	- -	7 10 –
	Belper	–	1	- -	7 10 –
	Chesterfield	–	3	- -	22 10 –
	Glossop	–	3	- -	22 10 –
	Ilkeston	–	2	- -	15 – –
	Ripley	–	1	- -	7 10 –
		6	13	45 – –	97 10 –
Devon	Barnstaple	3	–	22 10 –	—
	Devonport	33	–	247 10 –	—
	Exeter	5	–	37 10 –	—
	Plymouth	35	–	262 10 –	—
	Tavistock	1	–	7 10 –	—
	Tiverton	1	–	7 10 –	—
	Bideford	–	1	- -	7 10 –
	Dartmouth	–	2	- -	15 – –
	Teignmouth, West	–	1	- -	7 10 –
	Torquay	–	2	- -	15 – –
	Torrington, Great	–	1	- -	7 10 –
		78	7	585 – –	52 10 –
Dorset	Bridport	2	–	15 – –	—
	Dorchester	1	–	7 10 –	—
	Poole	1	–	7 10 –	—
	Shaftesbury	nil.	–	—	—
	Wareham	nil.	–	—	—
	Weymouth	1	–	7 10 –	—
		5	–	37 10 –	—

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
ENGLAND—*continued.*				£. s. d.	£. s. d.
Durham	Darlington	2	–	15 – –	—
	Durham	3	–	22 10 –	—
	Gateshead	11	–	82 10 –	—
	Hartlepool	12	–	90 – –	—
	South Shields	24	–	180 – –	—
	Stockton-on-Tees	9	–	67 10 –	—
	Sunderland	60	–	450 – –	—
	Barnard Castle	–	2	- -	15 – –
	Bishop Auckland	–	1	- -	7 10 –
	Chester-le-Street	–	1	- -	7 10 –
	Consett	–	2	- -	15 – –
	Crook	–	1	- -	7 10 –
	Felling	–	1	- -	7 10 –
	High Felling	–	2	- -	15 – –
	High Spennymoor	–	2	- -	15 – –
	Jarrow	–	3	- -	22 10 –
	Seaham	–	4	- -	30 – –
	Willington	–	1	- -	7 10 –
		121	20	907 10 –	150 – –
Essex	Colchester	2	–	15 – –	—
	Harwich	nil.	–	—	—
	Maldon	nil.	–	—	—
	Barking	–	4	- -	60 – –
	Brentwood	–	1	- -	7 10 –
	Cannington	–	2	- -	30 – –
	Chelmsford	–	2	- -	15 – –
	Halstead	–	1	- -	7 10 –
	Harlow	–	1	- -	7 10 –
	Romford	–	1	- -	7 10 –
	Stratford	–	6	- -	90 – –
	Waltham Abbey	–	1	- -	7 10 –
	Walthamstow	–	1	- -	15 – –
		2	20	15 – –	247 10 –
Gloucester	Bristol	*See* Somerset.		—	—
	Cheltenham	5	–	37 10 –	—
	Cirencester	1	–	7 10 –	—
	Gloucester	2	–	15 – –	—
	Stroud	1	–	7 10 –	—
	Tewkesbury	nil.	–	—	—
	Dursley	–	1	- -	7 10 –
	Newnham	–	1	- -	7 10 –
	Wotton-under-Edge	–	2	- -	15 – –
		9	4	67 10 –	30 – –
Hants	Andover	nil.	–	—	—
	Christchurch	nil.	–	—	—
	Lymington	nil.	–	—	—
	Newport (Isle of Wight)	2	–	15 – –	—
	Petersfield	nil.	–	—	—
	Portsmouth	31	–	232 10 –	—
	Southampton	11	–	82 10 –	—
	Winchester	1	–	7 10 –	—
	Aldershot	–	2	- -	15 – –
	Gosport	–	3	- -	22 10 –
	Shirley	–	1	- -	7 10 –
		45	6	337 10 –	45 – –

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
ENGLAND—*continued.*				£. s. d.	£. s. d.
Hereford - -	Hereford - - -	1	–	7 10 –	—
	Leominster - - -	nil.	–	—	—
	Ross - - - -	–	1	- -	7 10 –
		1	1	7 10 –	7 10 –
Hertford - -	Hertford - - -	1	–	7 10 –	—
	Barnet - - - -	–	1	- -	7 10 –
	Berkhampstead - -	–	1	- -	7 10 –
	Bishop's Stortford - -	–	1	- -	7 10 –
	Hitchin - - - -	–	1	- -	7 10 –
	Hoddesdon - - -	–	1	- -	7 10 –
	Saint Albans - - -	–	1	- -	7 10 –
	Watford - - -	–	1	- -	7 10 –
		1	7	7 10 –	52 10 –
Huntingdon - -	Huntingdon - - -	nil.	–	—	—
Kent - - -	Canterbury - - -	4	–	30 – –	—
	Chatham - - -	10	–	75 – –	—
	Dover - - - -	2	–	15 – –	—
	Gravesend - - -	2	–	15 – –	—
	Greenwich - - -	20	–	300 – –	—
	Hythe - - - -	1	–	7 10 –	—
	Maidstone - - -	5	–	37 10 –	—
	Rochester - - -	5	–	37 10 –	—
	Sandwich, Deal, and Walmer.	1	–	7 10 –	—
	Ashford - - - -	–	2	- -	15 – –
	Brompton, New - -	–	1	- -	7 10 –
	Dartford - - -	–	2	- -	15 – –
	Faversham - - -	–	2	- -	15 – –
	Lewisham - - -	–	1	- -	15 – –
	Margate - - -	–	2	- -	15 – –
	Milton, near Sittingbourne	–	1	- -	7 10 –
	Ramsgate - - -	–	2	- -	15 – –
	Sheerness - - -	–	5	- -	37 10 –
	Tunbridge Wells - -	–	1	- -	7 10 –
		50	19	525 – –	150 – –
Lancaster - -	Ashton-under-Lyne - -	15	–	112 10 –	—
	Blackburn - - -	18	–	135 – –	—
	Bolton - - - -	35	–	262 10 –	—
	Burnley - - - -	7	–	52 10 –	—
	Bury - - - -	12	–	90 – –	—
	Clitheroe - - -	4	–	30 – –	—
	Liverpool - - -	189	–	1,417 10 –	—
	Manchester - - -	248	–	1,860 – –	—
	Oldham - - - -	34	–	255 – –	—
	Preston - - - -	33	–	247 10 –	—
	Rochdale - - -	16	–	120 – –	—
	Salford - - - -	51	–	382 10 –	—
	Staleybridge - - -	16	–	120 – –	—
	Warrington - - -	7	–	52 10 –	—
	Wigan - - - -	12	–	90 – –	—
	Accrington - - -	–	5	- -	37 10 –
	Astley Bridge - -	–	1	- -	7 10 –
	Atherton - - -	–	2	- -	15 – –
	Bacup - - - -	–	1	- -	7 10 –
	Barrow-in-Furness - -	–	2	- -	15 – –

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
				£. s. d.	£. s. d.
ENGLAND—*continued.*					
Lancaster—*continued.*	Blue Pits	—	1	- -	7 10 -
	Busk	—	1	- -	7 10 -
	Chorley	—	5	- -	37 10 -
	Church	—	1	- -	7 10 -
	Colne	—	2	- -	15 - -
	Droylsden	—	2	- -	15 - -
	Eccles	—	2	- -	15 - -
	Enfield	—	1	- -	7 10 -
	Golborne	—	1	- -	7 10 -
	Halshaw Moor	—	4	- -	30 - -
	Haslingden	—	1	- -	7 10 -
	Heaton Norris	—	7	- -	52 10 -
	Heywood	—	5	- -	37 10 -
	Hindley	—	2	- -	15 - -
	Howarth Cross	—	1	- -	7 10 -
	Ince	—	2	- -	15 - -
	Lees	—	1	- -	7 10 -
	Lancaster	—	6	- -	45 - -
	Middleton	—	3	- -	22 10 -
	Moorside	—	1	- -	7 10 -
	Ormskirk	—	1	- -	7 10 -
	Oswaldtwistle	—	1	- -	7 10 -
	Over Darwen	—	6	- -	45 - -
	Padiham	—	3	- -	22 10 -
	Patricroft	—	1	- -	7 10 -
	Pemberton	—	2	- -	15 - -
	Pendlebury	—	2	- -	15 - -
	Pennington	—	3	- -	22 10 -
	Radcliffe	—	2	- -	15 - -
	Ramsbottom	—	1	- -	7 10 -
	St. Helen's	—	10	- -	75 - -
	Todmorden	—	1	- -	7 10 -
	Tyldesley	—	3	- -	22 10 -
	Ulverstone	—	1	- -	7 10 -
	Warren Lane	—	2	- -	15 - -
	West Haughton	—	1	- -	7 10 -
	Whitehead Bridge	—	1	- -	7 10 -
	Widnes	—	4	- -	30 - -
		697	105	5,227 10 -	787 10 -
Leicester	Leicester	17	—	127 10 -	—
	Hinckley	—	1	- -	7 10 -
	Loughborough	—	3	- -	22 10 -
	Sheepshed	—	1	- -	7 10 -
		17	5	127 10 -	37 10 -
Lincoln	Boston	3	—	22 10 -	—
	Grantham	2	—	15 - -	—
	Grimsby	7	—	52 10 -	—
	Lincoln	1	—	7 10 -	—
	Stamford	2	—	15 - -	—
	Barton-on-Humber	—	1	- -	7 10 -
	Gainsborough	—	1	- -	7 10 -
	Louth	—	1	- -	7 10 -
	Spalding	—	1	- -	7 10 -
		15	4	112 10 -	30 - -

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
ENGLAND—*continued.*				£. s. d.	£. s. d.
Middlesex	Chelsea	38	–	570 – –	—
	Finsbury	87	–	1,305 – –	—
	Hackney	41	–	615 – –	—
	London, City	17	–	255 – –	—
	Marylebone	68	–	1,020 – –	—
	Tower Hamlets	56	–	840 – –	—
	Westminster	41	–	615 – –	—
	Brentford	–	3	- -	45 – –
	Edmonton, Upper	–	1	- -	15 – –
	Hounslow	–	2	- -	22 10 –
	Ponders End	–	1	- -	15 – –
	Tottenham, Upper	–	1	- -	15 – –
	Turnham Green	–	1	- -	15 – –
	Uxbridge	–	1	- -	7 10 –
	Willesden	–	3	- -	45 – –
		348	13	5,220 – –	180 – –
Monmouth	Monmouth District	13	–	97 10 –	—
	Abergavenny	–	1	- -	7 10 –
	Abersychan	–	2	- -	15 – –
	Blaenavon	–	2	- -	15 – –
	Chepstow	–	1	- -	7 10 –
	Ebbwvale	–	2	- -	15 – –
	Pontypool	–	3	- -	22 10 –
	Rhymney	–	7	- -	52 10 –
	Tredegar	–	4	- -	30 – –
		13	22	97 10 –	165 – –
Norfolk	Lynn Regis	3	–	22 10 –	—
	Norwich	16	–	120 – –	—
	Wells	–	1	- -	7 10 –
	Yarmouth	–	9	- -	67 10 –
		19	10	142 10 –	75 – –
Northampton	Northampton	8	–	60 – –	—
	Peterborough	2	–	15 – –	—
	Kettering	–	1	- -	7 10 –
	Towcester	–	2	- -	15 – –
	Wellingborough	–	1	- -	7 10 –
		10	4	75 – –	30 – –
Northumberland	Berwick	2	–	15 – –	—
	Morpeth	nil.	–	—	—
	Newcastle-on-Tyne	50	–	375 – –	—
	Tynemouth and North Shields.	9	–	67 10 –	—
	Alnwick	–	1	- -	7 10 –
	Blythe	–	1	- -	7 10 –
	Hexham	–	2	- -	15 – –
	Willington Quay	–	1	- -	7 10 –
		61	5	457 10 –	37 10 –
Nottingham	East Retford	nil.	–	—	—
	Newark-on-Trent	2	–	15 – –	—
	Nottingham	20	–	150 – –	—
	Beauvale	–	1	- -	7 10 –
	Mansfield	–	1	- -	7 10 –
	Radford	–	1	- -	7 10 –
	Sutton-in-Ashfield	–	3	- -	22 10 –
		22	6	165 – –	45 – –

COUNTY	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
ENGLAND—*continued.*				£. s. d.	£. s. d.
Oxford	Banbury	1	–	7 10 –	—
	Oxford	2	–	15 – –	—
	Woodstock	nil.	–	—	—
	Bicester	–	1	- -	7 10 –
		3	1	22 10 –	7 10 –
Salop	Bridgnorth	nil.	–	—	—
	Ludlow	nil.	–	—	—
	Shrewsbury	2	–	1[illegible] – –	—
	Wenlock	nil.	–	—	—
	Dawley Green	–	1	- -	7 10 –
	Oswestry	–	1	- -	7 10 –
	Wellington	–	1	- -	7 10 –
		2	3	1[illegible] – –	22 10 –
Somerset	Bath	12	–	90 – –	—
	Bridgewater	2	–	1[illegible] – –	—
	Bristol	40	–	300 – –	—
	Frome	1	–	[illegible] 10 –	—
	Taunton	3	–	2[illegible] 10 –	—
	Chard	–	1	- -	7 10 –
	Glastonbury	–	1	- -	7 10 –
	Shepton Mallet	–	2	- -	15 – –
	Wells	–	1	- -	7 10 –
	Yeovil	–	1	- -	7 10 –
		58	6	43[illegible] – –	45 – –
Stafford	Lichfield	nil.	–	—	—
	Newcastle-under-Lyme	2	–	15 – –	—
	Stafford	1	–	[illegible] 10 –	—
	Stoke upon-Trent	26	–	19[illegible] – –	—
	Tamworth	1	–	[illegible] 10 –	—
	Walsall	15	–	11[illegible] 10 –	—
	Wednesbury	48	–	3[illegible] – –	—
	Wolverhampton	54	–	40[illegible] – –	—
	Burton-on-Trent	–	3	- -	22 10 –
	Compton	–	1	- -	7 10 –
	Goldenhill	–	1	- -	7 10 –
	Harborne	–	1	- -	7 10 –
	Kidsgrove	–	1	- -	7 10 –
	Kingswinford	–	12	- -	90 – –
	Leek	–	2	- -	15 – –
	Oldbury	–	4	- -	30 – –
	Rowley Regis	–	7	- -	52 10 –
	Smethwick	–	6	- -	45 – –
	Spon Lane	–	2	- -	15 – –
	Stone	–	1	- -	7 10 –
	Uttoxeter	–	1	- -	7 10 –
		147	42	1,10[illegible] 10 –	315 – –
Suffolk	Bury St. Edmunds	2	–	1[illegible] – –	—
	Eye	nil.	–	—	—
	Ipswich	4	–	3[illegible] – –	—
	Beccles	–	1	- -	7 10 –
	Bungay	–	1	- -	7 10 –
	Lowestoft	–	1	- -	7 10 –
	Stowmarket	–	1	- -	7 10 –
	Sudbury	–	1	- -	7 10 –
	Woodbridge	–	1	- -	7 10 –
		6	6	4[illegible] – –	45 – –

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
ENGLAND—*continued.*				£. s. d.	£. s. d.
Surrey	Guildford	1	–	7 10 –	—
	Lambeth	49	–	735 – –	—
	Southwark	44	–	660 – –	—
	Battersea	–	1	– –	15 – –
	Chertsey	–	1	– –	7 10 –
	Croydon	–	4	– –	60 – –
	Farnham	–	1	– –	7 10 –
	Kingston	–	3	– –	22 10 –
	Mitcham	–	1	– –	15 – –
	Putney	–	1	– –	15 – –
	Richmond	–	3	– –	45 – –
	Tooting	–	1	– –	15 – –
	Wandsworth	–	2	– –	30 – –
		94	18	1,402 10 –	232 10 –
Sussex	Brighton	6	–	45 – –	—
	Chichester	1	–	7 10 –	—
	Hastings	2	–	15 – –	—
	Horsham	nil.	–	—	—
	Lewes	1	–	7 10 –	—
	Midhurst	nil.	–	—	—
	Rye	2	–	15 –	—
	Shoreham	nil.	–	—	—
		12	nil.	90 – –	—
Warwick	Birmingham	218	–	1,635 – –	—
	Coventry	13	–	97 10 –	—
	Warwick	2	–	15 – –	—
	Atherstone	–	1	– –	7 10 –
	Bedworth	–	2	– –	15 – –
	Leamington	–	2	– –	15 – –
	Nuneaton	–	1	– –	7 10 –
	Stratford-on-Avon	–	1	– –	7 10 –
		233	7	1,747 10 –	52 10 –
Westmoreland	Kendal	2	–	15 – –	—
Wilts	Calne	nil.	–	—	—
	Chippenham	nil.	–	—	—
	Cricklade	nil.	–	—	—
	Devizes	nil.	–	—	—
	Malmesbury	nil.	–	—	—
	Marlborough	nil.	–	—	—
	Salisbury	3	–	22 10 –	—
	Westbury	1	–	7 10 –	—
	Wilton	nil.	–	—	—
	Bradford-on-Avon	–	1	– –	7 10 –
	Trowbridge	–	2	– –	15 – –
		4	3	30 – –	22 10 –

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
ENGLAND—*continued.*				£. s. d.	£. s. d.
Worcester	Bewdley	nil.	–	—	—
	Droitwich	nil.	–	—	—
	Dudley	14	–	105 – –	—
	Evesham	nil.	–	—	—
	Kidderminster	6	–	45 – –	—
	Worcester	6	–	45 – –	—
	Bromsgrove	–	2	–	15 – –
	Balsall Heath	–	2	–	15 – –
	Cradley	–	1	–	7 10 –
	Halesowen	–	4	–	30 – –
	Oldswinford	–	1	–	7 10 –
	Redditch	–	1	–	7 10 –
	Shaversend	–	4	–	30 – –
	Stourbridge	–	5	–	37 10 –
		26	20	195 – –	150 – –
York	Beverley	2	–	15 – –	—
	Bradford	23	–	172 10 –	—
	Dewsbury	5	–	37 10 –	—
	Halifax	9	–	67 10 –	—
	Huddersfield	8	–	60 – –	—
	Hull	77	–	577 10 –	—
	Knaresborough	2	–	15 – –	—
	Leeds	61	–	457 10 –	—
	Malton	1	–	7 10 –	—
	Middlesborough	10	–	75 – –	—
	Northallerton	nil.	–	—	—
	Pontefract	1	–	7 10 –	—
	Richmond	nil.	–	—	—
	Ripon	nil.	–	—	—
	Scarborough	5	–	37 10 –	—
	Sheffield	52	–	390 – –	—
	Thirsk	nil.	–	—	—
	Wakefield	6	–	45 – –	—
	Whitby	2	–	15 – –	—
	York	7	–	52 10 –	—
	Barnsley	–	3	–	22 10 –
	Batley	–	3	–	22 10 –
	Brighouse	–	2	–	15 – –
	Castleford	–	2	–	15 – –
	Doncaster	–	3	–	22 10 –
	Elland	–	1	–	7 10 –
	Gomersal	–	1	–	7 10 –
	Goole	–	1	–	7 10 –
	Heckmondwike	–	2	–	15 – –
	Holmfirth	–	1	–	7 10 –
	Keighley	–	2	–	15 – –
	Masborough	–	2	–	15 – –
	Morley	–	2	–	15 – –
	Otley	–	1	–	7 10 –
	Pudsey	–	3	–	22 10 –
	Rotherham	–	2	–	15 – –
	Selby	–	2	–	15 – –
	Shipley	–	1	–	7 10 –
	Tees Tilery	–	1	–	7 10 –
		271	35	2,032 10 –	262 10 –

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
				£. s. d.	£. s. d.
WALES:					
Anglesea - -	Beaumaris District - -	nil.	nil.	—	—
Brecon - - -	Brecon - - - -	nil.	–	—	—
	Brynmaur - - -	–	2	- -	15 – –
		nil.	2	- -	15 – –
Cardigan - -	Cardigan District - -	nil.	nil.	—	—
Carmarthen - -	Carmarthen and Llanelly -	5	nil.	37 10 –	—
Carnarvon - -	Carnarvon District - -	1	nil.	7 10 –	—
Denbigh - -	Denbigh District - -	3	nil.	22 10 –	—
Flint - - -	Flint District - - -	1	nil.	7 10 –	—
Glamorgan - -	Cardiff District - -	16	–	120 – –	—
	Merthyr Tydvil - -	31	–	232 10 –	—
	Swansea District - -	20	–	150 – –	—
	Briton Ferry - - -	–	1	- -	7 10 –
	Bridgend - - - -	–	1	- -	7 10 –
	Hirwain - - - -	–	1	- -	7 10 –
	Maesteg - - - -	–	1	- -	7 10 –
	Newbridge - - -	–	8	- -	60 – –
		67	12	502 10 –	90 – –
Merioneth - -	The County - - -	nil.	nil.	—	—
Montgomery - -	Montgomery District -	1	nil.	7 10 –	—
Pembroke - -	Haverfordwest District -	1	–	7 10 –	—
	Pembroke District - -	1	–	7 10 –	—
		2	nil.	15 – –	—
Radnor - - -	The County - - -	nil.	nil.	—	—
SCOTLAND:					
Aberdeen - -	Aberdeen - - -	11	–	82 10 –	—
	Peterhead (Elgin District Burgh).	1	–	7 10 –	—
		12	nil.	90 – –	—
Argyle - - -	Campbelton (Ayr District Burgh).	1	–	7 10 –	—

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
SCOTLAND—*continued.*				£. s. d.	£. s. d.
Ayr	Ayr (Ayr District Burgh)	5	–	37 10 –	—
	Irvine (Ayr District Burgh)	3	–	22 10 –	—
	Kilmarnock (Kilmarnock District Burgh).	9	–	67 10 –	—
	Beith	–	2	- -	15 – –
	Dalry	–	2	- -	15 – –
	Cumnock	–	1	- -	7 10 –
	Girvan	–	1	- -	7 10 –
	Kilbirnie	–	1	- -	7 10 –
	Killivinning	–	2	- -	15 – –
	Maybole	–	1	- -	7 10 –
	Saltcoats	–	2	- -	15 – –
		17	12	127 10 –	90 – –
Banff	The County	nil.	nil.	—	—
Berwick	The County	nil.	nil.	—	—
Bute	Rothesay	nil.	1	- -	7 10 –
Caithness	The County	nil.	nil.	—	—
Clackmannan	Alloa	nil.	1	- -	7 10 –
Cromarty	The County	nil.	nil.	—	—
Dumbarton	Dumbarton (Kilmarnock District Burgh).	4	–	30 – –	—
	Alexandria	–	1	- -	7 10
	Renton	–	1	- -	7 10 –
		4	2	30 – –	15 – –
Dumfries	Dumfries (Dumfries District Burgh).	4	nil.	30 – –	—
Edinburgh	Edinburgh	37	–	277 10 –	—
	Leith	5	–	37 10 –	—
	Musselburgh (Leith District Burghs).	1	–	7 10 –	—
	Dalkeith	–	2	- -	15 – –
	West Calder	–	1	- -	7 10 –
		43	3	322 10 –	22 10 –
Elgin	The County	nil.	nil.	—	—

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
SCOTLAND—*continued.*				£. s. d.	£. s. d.
Fife	Cupar (St. Andrew's District Burgh).	1	–	7 10 –	—
	Dunfermline (Stirling District Burgh).	1	–	7 10 –	—
	Kirkcaldy (Kirkcaldy District Burgh).	2	–	15 – –	—
		4	nil.	30 – –	—
Forfar	Arbroath (Montrose District Burgh).	1	–	7 10 –	—
	Dundee	19	–	142 10 –	—
		20	nil.	150 – –	—
Haddington	Haddington (Haddington District Burgh).	1	–	7 10 –	—
Inverness	Inverness	2	nil.	15 – –	—
Kinross	The County	nil.	nil.	—	—
Kincardine	The County	nil.	nil.	—	—
Kirkcudbright	The County	nil.	nil.	—	—
Lanark	Airdrie (Falkirk District Burghs)	6	–	45 – –	—
	Hamilton (Falkirk District Burghs)	2	–	15 – –	—
	Lanark (Falkirk District Burghs)	1	–	7 10 –	—
	Glasgow	113	–	847 10 –	—
	Rutherglen (Kilmarnock District Burgh).	2	–	15 – –	—
	Bailleston	–	2	– –	15 – –
	Coatbridge	–	2	– –	15 – –
	Dykehead	–	1	– –	7 10 –
	Govan	–	2	– –	15 – –
	Holyton	–	1	– –	7 10 –
	Larkhall	–	2	– –	15 – –
	Maryhill	–	1	– –	7 10 –
	Partick	–	2	– –	15 – –
	Strathaven	–	1	– –	7 10 –
	Wishaw	–	2	– –	15 – –
		124	16	930 – –	120 – –
Linlithgow	Linlithgow (Falkirk District Burgh).	1	–	7 10 –	—
	Armadale	–	2	– –	15 – –
	Bathgate	–	2	– –	15 – –
	Boness	–	1	– –	7 10 –
	Whitburn	–	1	– –	7 10 –
		1	6	7 10 –	45 – –
Nairn	The County	nil.	nil.	—	—

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
				£. s. d.	£. s. d.
SCOTLAND—*continued.*					
Orkney and Shetland	The County	nil.	nil.	—	—
Peebles	The County	nil.	nil.	—	—
Perth	Perth	4	nil.	30 – –	—
Renfrew	Greenock	16	–	120 – –	—
	Paisley	16	–	120 – –	—
	Port Glasgow (Kilmarnock District Burgh).	5	–	37 10 –	—
	Barrhead	–	1	- -	7 10 –
	Johnstone	–	2	- -	15 – –
	Neilston	–	1	- -	7 10 –
	Pollokshaws	–	2	- -	15 – –
		37	6	277 10 –	45 – –
Ross	The County	nil.	nil.	—	—
Roxburgh	Hawick (Hawick District Burgh).	1	nil.	7 10 –	—
Selkirk	The County	nil.	nil.	—	—
Stirling	Falkirk (Falkirk District Burgh).	3	–	22 10 –	—
	Stirling (Stirling District Burgh).	3	–	22 10 –	—
	Campsie	–	1	- -	7 10 –
	Denny	–	2	- -	15 – –
	Kilsyth	–	3	- -	22 10 –
	Kirkintilloch	–	1	- -	7 10 –
	Slamannan	–	1	- -	7 10 –
		6	8	45 – –	60 – –
Sutherland	The County	nil.	nil.	—	—
Wigtown	Stranraer (Wigton District Burgh).	2	–	15 – –	—
	Newton Stewart	–	1	- -	7 10 –
		2	1	15 – –	7 10 –
IRELAND:					
Antrim	Belfast	104	–	780 – –	—
	Carrickfergus	2	–	15 – –	—
	Lisburn	4	–	30 – –	—
	Antrim	–	1	- -	7 10 –
	Ballymena	–	8	- -	60 – –
	Ballymoney	–	2	- -	15 – –
	Larne	–	2	- -	15 – –
		110	13	825 – –	97 10 –

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
IRELAND—*continued.*				£. s. d.	£. s. d.
Armagh	Armagh	5	–	37 10 –	—
	Newry	8	–	60 – –	—
	Keady	–	1	- -	7 10 –
	Lurgan	–	7	- -	52 10 –
	Markethill	–	1	- -	7 10 –
	Newtownhamilton	–	2	- -	15 – –
	Portadown	–	5	- -	37 10 –
	Tandragee	–	3	- -	22 10 –
		13	19	97 10 –	142 10 –
Carlow	Carlow	5	–	37 10 –	—
	Bagnalstown	–	1	- -	7 10 –
	Tullow	–	2	- -	15 – –
		5	3	37 10 –	22 10 –
Cavan	Belturbet	–	1	- -	7 10 –
	Cavan	–	2	- -	15 – –
	Cootehill	–	1	- -	7 10 –
		nil.	4	- -	30 – –
Clare	Ennis	4	–	30 – –	—
	Ennistymon	–	2	- -	15 – –
	Kilrush	–	4	- -	30 – –
		4	6	30 – –	45 – –
Cork	Bandon	4	–	30 – –	—
	Cork	37	–	277 10 –	—
	Kinsale	3	–	22 10 –	—
	Mallow	4	–	30 – –	—
	Youghal	5	–	37 10 –	—
	Bantry	–	2	- -	15 – –
	Buttevant	–	1	- -	7 10 –
	Charleville	–	1	- -	7 10 –
	Clonakilty	–	2	- -	15 – –
	Cloyne	–	1	- -	7 10 –
	Doneraile	–	1	- -	7 10 –
	Dunmanway	–	1	- -	7 10 –
	Fermoy	–	3	- -	22 10 –
	Kanturk	–	2	- -	15 – –
	Macroom	–	2	- -	15 – –
	Midleton	–	2	- -	15 – –
	Mitchelstown	–	1	- -	7 10 –
	Passage	–	3	- -	22 10 –
	Queenstown	–	8	- -	60 – –
	Skibbereen	–	1	- -	7 10 –
		53	31	397 10 –	232 10 –
Donegal	Ballyshannon	–	2	- -	15 – –

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
				£. s. d.	£. s. d.
IRELAND—*continued.*					
Down	Downpatrick	2	–	15 – –	—
	Ballynahinch	–	1	– –	7 10 –
	Banbridge	–	4	– –	30 – –
	Bangor	–	1	– –	7 10 –
	Castlewellan	–	1	– –	7 10 –
	Comber	–	1	– –	7 10 –
	Donaghadee	–	1	– –	7 10 –
	Dromore	–	2	– –	15 – –
	Gilford	–	4	– –	30 – –
	Newtownards	–	6	– –	45 – –
	Rathfriland	–	1	– –	7 10 –
	Warrenpoint	–	1	– –	7 10 –
		2	23	15 – –	172 10 –
Dublin	Dublin	61	–	457 10 –	—
	Blackrock	–	1	– –	7 10 –
	Bray, Little	–	1	– –	7 10 –
	Kingstown	–	3	– –	22 10 –
		61	5	457 10 –	37 10 –
Fermanagh	Enniskillen	2	nil.	15 – –	—
Galway	Galway	6	–	45 – –	—
	Ballinasloe	–	3	– –	22 10 –
	Clifden	–	2	– –	15 – –
	Headford	–	1	– –	7 10 –
	Loughrea	–	1	– –	7 10 –
	Portumna	–	1	– –	7 10 –
	Tuam	–	2	– –	15 – –
		6	10	45 – –	75 – –
Kerry	Tralee	4	–	30 – –	—
	Killarney	–	1	– –	7 10 –
	Listowel	–	1	– –	7 10 –
		4	2	30 – –	15 – –
Kildare	Athy	–	3	– –	22 10 –
	Celbridge	–	1	– –	7 10 –
	Kilcullen	–	1	– –	7 10 –
	Maynooth	–	1	– –	7 10 –
	Monasterevan	–	1	– –	7 10 –
	Naas	–	2	– –	15 – –
	Newbridge	–	2	– –	15 – –
		–	11	– –	82 10 –
Kilkenny	Kilkenny	10	nil.	75 – –	—

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
IRELAND—*continued.*				£. s. d.	£. s. d.
King's County	Birr	–	2	- -	15 – –
	Edenderry	–	1	- -	7 10 –
	Tullamore	–	3	- -	22 10 –
		nil.	6	- -	45 – –
Leitrim	The County	nil.	nil.	—	—
Limerick	Limerick	26	–	195 – –	—
	Adare	–	1	- -	7 10 –
	Askeaton	–	1	- -	7 10 –
	Croom	–	1	- -	7 10 –
	Kilfinane	–	1	- -	7 10 –
	Newcastle	–	2	- -	15 – –
	Rathkeale	–	2	- -	15 – –
		26	8	195 – –	60 – –
Londonderry	Coleraine	3	–	22 10 –	—
	Londonderry	12	–	90 – –	—
	Kilrea	–	2	- -	15 – –
	Maghera	–	1	- -	7 10 –
	Magherafelt	–	1	- -	7 10 –
	Newtownlimavady	–	1	- -	7 10 –
		15	5	112 10 –	37 10 –
Longford	Ballymahon	–	1	- -	7 10 –
	Longford	–	2	- -	15 – –
		nil.	3	- -	22 10 –
Louth	Dundalk	7	–	52 10 –	—
	Ardee	–	2	- -	15 – –
		7	2	52 10 –	15 – –
Mayo	Ballaghadereen	–	1	- -	7 10 –
	Ballina	–	2	- -	15 – –
	Ballinrobe	–	1	- -	7 10 –
	Castlebar	–	3	- -	22 10 –
	Claremorris	–	1	- -	7 10 –
	Crossmolina	–	1	- -	7 10 –
	Swinford	–	2	- -	15 – –
	Westport	–	1	- -	7 10 –
		nil.	12	- -	90 – –
Meath	Drogheda	9	–	67 10 –	—
	Kells	–	4	- -	30 – –
	Navan	–	2	- -	15 – –
	Trim	–	1	- -	7 10 –
		9	7	67 10 –	52 10 –

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
IRELAND—*continued.*				£. s. d.	£. s. d.
Monaghan	Ballibay	–	1	– –	7 10 –
	Castleblaney	–	1	– –	7 10 –
	Carrickmacross	–	1	– –	7 10 –
	Clones	–	2	– –	15 – –
	Monaghan	–	3	– –	22 10 –
		–	8	– –	60 – –
Queen's County	Portarlington	2	–	15 – –	—
	Abbeyleix	–	2	– –	15 – –
	Durrow	–	1	– –	7 10 –
	Maryboro'	–	2	– –	15 – –
	Mountmellick	–	3	– –	22 10 –
	Mountrath	–	1	– –	7 10 –
		2	9	15 – –	67 10 –
Roscommon	Athlone	4	–	30 – –	—
	Boyle	–	1	– –	7 10 –
	Castlerea	–	2	– –	15 – –
	Carrick-on-Shannon	–	2	– –	15 – –
	Roscommon	–	2	– –	15 – –
		4	7	30 – –	52 10 –
Sligo	Sligo	5	–	37 10 –	—
	Ballymote	–	1	– –	7 10 –
	Curry	–	1	– –	7 10 –
		5	2	37 10 –	15 – –
Tipperary	Cashel	2	–	15 – –	—
	Clonmel	7	–	52 10 –	—
	Borrisokane	–	1	– –	7 10 –
	Cahir	–	2	– –	15 – –
	Carrick-on-Suir	–	6	– –	45 – –
	Clogheen	–	1	– –	7 10 –
	Roscrea	–	1	– –	7 10 –
	Templemore	–	1	– –	7 10 –
	Thurles	–	3	– –	22 10 –
	Tipperary	–	2	– –	15 – –
		9	17	67 10 –	127 10 –
Tyrone	Dungannon	4	–	30 – –	—
	Aughnacloy	–	1	– –	7 10 –
	Cookstown	–	3	– –	22 10 –
	Fintona	–	1	– –	7 10 –
	Omagh	–	3	– –	22 10 –
	Strabane	–	1	– –	7 10 –
		4	9	30 – –	67 10 –

COUNTY.	City, Borough, or other Place.	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
		Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
IRELAND—*continued.*				£. s. d.	£. s. d.
Waterford	Dungarvan	7	—	52 10 —	—
	Waterford	14	—	105 — —	—
	Cappoquin	—	1	—	7 10 —
	Lismore	—	2	—	15 — —
	Tallow	—	2	—	15 — —
		21	5	157 10 —	37 10 —
Westmeath	Moate	—	1	—	7 10 —
	Mullingar	—	3	—	22 10 —
		nil	4	—	30 — —
Wexford	New Ross	2	—	15 — —	—
	Wexford	4	—	30 — —	—
	Enniscorthy	—	2	—	15 — —
	Gorey	—	1	—	7 10 —
	Newtownbarry	—	1	—	7 10 —
		6	4	45 — —	30 — —
Wicklow	Arklow	—	3	—	22 10 —
	Bray	—	2	—	15 — —
	Baltinglass	—	1	—	7 10 —
	Wicklow	—	2	—	15 — —
		nil	8	—	60 — —

SUMMARY.

	Number of Pawnbrokers Licensed in the Year ended 31 March 1870, in		Amount of Duty received in	
	Cities or Boroughs.	Rest of the County.	Cities or Boroughs.	Rest of the County.
			£. s. d.	£. s. d.
ENGLAND	2,476	478	22,027 10 —	3,870 — —
WALES	80	14	600 — —	105 — —
SCOTLAND	283	56	2,122 10 —	420 — —
IRELAND	378	245	2,835 — —	1,837 10 —
TOTAL	3,217	793	27,585 — —	6,232 10 —

Inland Revenue Office,
10 September 1870.

Wm. Cockell,
Assistant Accountant and Comptroller General.

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2. *Evidence to a contrary Purport.*

1. *Concurrence of Evidence as to the large Use made of Pawnshops by the Drinking and Improvident Classes:*

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Explanation of witness's duties, as procurator fiscal in Edinburgh, in regard to prosecutions against pawnbrokers; *Johnston* 4010-4015——Limited extent to which cases of violation of the Pawnbroking Acts and questions of stolen goods come before witness, *ib.* 4012-4018——Grounds for the conclusion that stolen goods are taken to pawnshops in very considerable quantities, the convictions for theft being no criterion of the extent of the practice, *ib.* 4016. 4022-4032.

Very improper manner in which auction sales are conducted on the pawnbrokers' premises in Edinburgh; expediency of all sales being conducted periodically by one auctioneer on his own premises, *Johnston* 4050-4080——Statement to the effect that there is no objectionable secrecy in carrying on the pawning of goods in Edinburgh, *ib.* 4125, 4126——Small number of prosecutions brought by witness against pawnbrokers; amount of penalties enforced, *ib.* 4145-4149.

As manager of the Equitable Loan Company of Scotland, carrying on business at Edinburgh, witness explains generally the operations of the company, *Russell* 4712-4714——Employment by the company of a capital of 27,000 *l.*, *ib.* 4715-4718——Total of about 72,000 pledges received in the year; small proportion of these under 2 *l.*, *ib.* 4719-4723——Average of 11 *s.* 3 *d.* received on each pledge, *ib.* 4729-4731.

Statement as to the periods for which the pledges remain, about ten per cent. being unredeemed, *Russell* 4732-4738——Practice of witness's company in holding periodical sales, duly advertised, at which all forfeited pledges are sold without reserve, *ib.* 4739-4753——Evidence showing in detail the receipts, expenses, and profits, *ib.* 4754 *et seq.*

Receipt of pledges by witness from persons in all ranks of society; very large advances sometimes made, *Russell* 4833-4837——Charge of fifteen per cent. for advances under special contract, bulky articles being received without extra charge, *ib.* 4838-4847——Exceedingly small quantity of stolen property pledged with the Edinburgh pawnbrokers, *ib.* 4860-4863——Effectual inspection by the police, every facility being given by the pawnbrokers, *ib.* 4868-4877——Large quantity of cheap watches and jewellery pledged with witness, these, if forfeited, being grouped for sale, *ib.* 4911-4914.

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Entrances to Pawnshops. More effectual check by the police if there were but one entrance to each pawnshop, and if such entrance were as public as possible, *M'Call* 1403–1407—— Use of two entrances to most of the London pawnshops, one being for the sake of privacy, *Williamson* 1612–1614. 1627–1629.

Equitable Loan Company of Scotland. See *Edinburgh.*

Evasion of Act. Frequent evasion of the provisions of the Pawnbrokers' Act as to fractions or farthings being charged, *Hardaker* 30. 55–61—— Badness of the law in leading largely to evasion, and as having a demoralising effect, *Dicker* 435—— Circumstance of the Pawnbrokers' Act being constantly evaded by witness as regards auction sales, and in other respects; evasion of the Act, more or less, by the pawnbrokers generally in Manchester and Salford, *May* 1048–1054. 1077. 1102–1108. 1145–1151—— Statement as to witness not placing in his shop a table of interest, as required by the Act, *Walter* 2512. 2663–2671—— Obstacles to successful prosecutions in Edinburgh under the present Act, even though it be constantly evaded, *Johnston* 4064–4069.

See also *Country Towns.* *Farthings and Fractions.*

Expenses. See *Cost* (*Working Expenses*).

F.

Factory Act. Absence of necessity for applying the provisions of the Factory Act to pawnshops, *Rd. Attenborough* 2927–2930; *Sir T. Henry* 3751.

Farthings and Fractions. Very objectionable operation of clauses 4 & 5 of the Act 39 & 40 Geo. 3, as involving fractional calculations very difficult to carry out; frequent evasion under Clause 4, *Hardaker* 22–32. 50, 51. 55–75—— The present rate is not remunerative, even after taking advantage of the fractions of farthings, *ib.* 50—— Information as to the mode of calculation when fractions are involved; excess frequently charged, so as to avoid farthings or fractions, *Dicker* 512–515—— Great difficulty involved in the fractional charges for interest; practice of witness in the matter, *G. Attenborough* 822–824.

Unsatisfactory working of the Pawnbrokers' Act, as involving fractions of money and of months, of a very complicated and unintelligible character; instances of this, *May* 919–924. 988, 989—— Practice of witness in discontinuing receipt or payment of farthings, and in charging halfpence instead, *ib.* 1077. 1078. 1155, 1156—— Great difficulty in applying the fractional charges, whereas it is desirable to be able to tell the pledgers precisely what they will have to pay, *Blackwood* 1696–1700. 1743–1745—— Evasion of the Act in Bradford, in farthings not being reckoned, *ib.* 1712, 1713.

Decided objection to farthings and fractions, *Walter* 2436, 2437—— Witness decidedly objects to farthings; nor would he have any halfpence, *Rd. Attenborough* 2693. 2771—— Legal difficulty now liable to arise in respect of the payment of farthings, *Turner* 2956–2959—— Inoperativeness of the Act in Liverpool as to farthings being given, *Stubbs* 3095.

Suggested abolition of farthings, *Johnston* 4081, 4082—— Proposed abolition of fractional parts of a month, as not being understood by the lower classes; suggestion that an average rate be adopted instead, *ib.* 4105–4108—— Witness would have no fractional parts and no half months, *Scoular* 4485—— Difficulty of witness at Edinburgh as to the fractional calculations, *Russell* 4771–4784. 4901.

Objection to fractions not being retained; suggestions hereon, *Shaw* 3448–3452.

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Fine Art Pledges. Exception taken to the requirement that certain pledges, such as fine art goods, shall be sold separately at particular seasons of the year, *Hardaker* 243–248.

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Forfeiture of Pledges.

1. *Suggestions for a Reduction of the present Period of Forfeiture.*
2. *Objections to the proposed Limitation.*
3. *Question of Alteration as regards the Three Months' Notice.*
4. *Suggested Freedom of Contract as to Time, the present Period being retained as the implied Time.*
5. *Proposed Simplification of the Law in the Matter of Forfeiture.*

1. *Suggestions for a Reduction of the present Period of Forfeiture:*

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FORFEITURE OF PLEDGES—continued.

1. *Suggestions for a Reduction of the present Period of Forfeiture*—continued.

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Approval of the period of forfeiture being shortened with reference to certain specified articles, *M'Call* 1346–1348; *Williamson* 1611; *Russell* 4848–4852——Advantage of reducing the period of forfeiture for clothing and all articles liable to deterioration, *Keeson* 2394–2398.

Respects in which a six months' forfeiture would be a great improvement *Rd. Attenborough* 2695, 2696. 2776–2780. 2883, 2884——Advantage of only six months' forfeiture in the case of winter clothing, *Stubbs* 3127–3129——Approval of a six months, forfeiture, with three months' notice; effect thereof in lessening the amount of capital required, *Rt. Attenborough* 3298–3304.

2. *Objections to the proposed Limitation:*

Disapproval of a reduction of the term of forfeiture to six months, *Hector* 1972–1975——Grounds for strongly objecting to the proposed reduction of the time of forfeiture to six months; injury thereby to the public, *Walter* 2487–2501. 2595, 2596——Objection to any reduction of the time for redeeming the pledges; complaints already made by pawners on this subject, *Sir T. Henry* 3571–3575. 3621, 3622. 3633–3638. 3690. 3737.

3. *Question of Alteration as regards the Three Months' Notice:*

Objection to the clause under which by means of notice the time of forfeiture may be extended from twelve to fifteen months, *Hardaker* 190–198.——Approval of a retention of the three months' notice, if the period of forfeiture be reduced to six months, *May* 1152–1154——Views of the majority of the Bradford pawnbrokers in favour of the twelve months' forfeiture being made absolute, without three months' notice, *Blackwood* 1714. 1741, 1742——Approval of the right of three months' notice for redemption, *Walter* 2506, 2507——Amendment suggested as regards the system of three months' grace, *Turner* 3904–3907.

4. *Suggested Freedom of Contract as to Time, the present Period being retained as the implied Time:*

Contemplated freedom of contract as to the time for which a pledge should be received, there being also an implied arrangement, *Hancock* 2244, 2245. 2256. 2263–2265—— Proposal that the present time of forfeiture be the implied time, subject to eventual alteration, *ib.* 2255, 2256. 2263–2265.

5. *Proposed Simplification of the Law in the Matter of Forfeiture:*

Suggestion with a view to the law being made more clear as to goods under 10 *l.* value being absolutely forfeited on the expiration of a year, *Turner* 3901–3903.

Forged Tickets. Proposal that the section of the Act relating to forged notes or tickets be struck out, and that this offence be dealt with under the general law, *Turner* 2972–2978.

Fractional Calculations. See *Farthings and Fractions.*

FRANCE:

Sundry details relative to the constitution and working of the monts de piété, *Keeson* 2273 *et seq.*——Charitable object of these institutions which are a monopoly, private persons having no right in France to advance upon pledges, *ib.* 2276–2280——Power of pledgers to deal with the central establishment or with commissionaires or auxiliary establishments; particulars relative to the practice in each case, *ib.* 2281 *et seq.*; 2409–2430.

Inquiry made of the pledgers, and forms exacted, before money is advanced upon goods, *Keeson* 2291–2298——Unduly large tickets given to the pledgers, *ib.* 2296. 2301——Practice of redemption of pledges; absence of privacy, *ib.* 2301–2307——Minimum of three francs advanced, there being no maximum limit, and the average being very high, *ib.* 2308. 2314, 2315. 2329–2331. 2334. 2342——Different rates of interest in different parts of the country; other charges made, *ib.* 2309, 2310.

Long periods before the redemption of the pledges, twelve months being the time of forfeiture, *Keeson* 2323–2326——Varying cost per pledge of conducting the monts de piété in different towns; high value of the pledges adverted to hereon, *ib.* 2332–2334——Conditions in France and other foreign countries relative to the delivery of stolen property pledged, *ib.* 2337–2341——Practice as to the sales of forfeited pledges in France, and as to the disposal of the surplus, *ib.* 2343–2348—— Small proportion of forfeitures, *ib.* 2348——Frequent renewal of the loans upon the pledges, *ib.* 2349–2352.

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Several restrictions in France as to the persons from whom goods may be received at the monts de piété, *Keeson* 2353, 2354——Conditions required in the event of loss of ticket, *ib.* 2355–2357——Belief as to there being illicit pawnshops in Paris, *ib.* 2358——Very valuable character of large numbers of the pledges, a considerable proportion of the advances being, however, made to the working classes on clothing, &c. *ib.* 2359–2365. 2409–2414. 2422——Absence of freedom of contract in France, *ib.* 2427——Practice as to the borrowing of money by the monts de piété; low rate at which raised, *ib.* 2428–2430.

Profits under the French system adverted to; absence of competition, *Rd. Attenborough* 2830–2833.

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FREEDOM OF CONTRACT:

1. *Evidence in Favour of Freedom of Contract generally, or as regards bulky Articles and Pledges above 2l. Value.*
2. *Evidence opposed to Freedom of Contract, more especially as regards small Pledges.*
3. *Suggested Freedom of Contract as to the Time of Redemption, as well as the Amount of Charges.*

1. *Evidence in Favour of Freedom of Contract generally, or as regards bulky Articles and Pledges above 2l. Value:*

Expediency of pawnbrokers being allowed to make special contracts in the case of large articles which occupy much warehouse room, *Hardaker* 20, 21. 52–54——Argument that there should be perfect freedom of contract as to the rate charged, but that a fixed rate should be laid down for convenience, which should be binding if special contracts were not made, *Dicker* 436–442——Suggestion that when there is a special contract the signature of the person making the contract should be insisted upon, *ib.* 555. 615–618.

Illustrations of the expediency or pawnbrokers being allowed to charge special rates for bulky articles and for articles involving special risks, *Dicker* 592–606. 615–619——Grounds for concluding that under a system of freedom of contract the more needy pledgers would not be prejudiced, *ib.* 620–622. 639.

Conclusion that, for several reasons, freedom of contract is desirable in conjunction with a statutory rate; the competition would prevent any prejudice to the public, *G. Attenborough* 677–695. 704–709. 737–749——Importance of freedom of contract with reference to bulky articles, *ib.* 705–707——Suggestion that special contracts be not made with persons under twenty-one years of age, and that the form of contract be signed in each case, *ib.* 708–710. 737–739.

Expediency of a power to make special contracts under certain conditions, there being also a statutory rate, *Telfer* 859; *Nathan* 896–911; *Brooking* 1196–1204——The right of special contract might be limited to pledges above 40*s.*, *Nathan* 899–909——There should be no special contract with any pledger under twenty-one years of age, *Nathan* 910, 911; *A. M'Kay* 2228.

Conclusion as to the importance of a right of special contract in the interests both of the pledger and the pawnbroker, *May* 925–932. 1045–1047. 1058. 1066, 1067. 1079–1086——Under freedom of contract, pledgers would be perfectly able to take care of themselves, *ib.* 1033–1037——Feeling of the Bradford pawnbrokers in favour of freedom of contract for pledges above 40*s.*; witness would approve of unrestricted freedom in the matter, *Blackwood* 1701–1711. 1751–1771. 1815–1818——Approval of freedom of contract for bulky and perishable articles exclusively, *A. M'Kay* 2208–2218; *Rd. Attenborough* 2702–2707. 2782.

Conclusion that the repeal of the usury laws should be made complete, by removing the restriction upon pawnbrokers, and by establishing freedom of contract, as in all other trades, *Hancock* 2234–2242. 2252——Recommendation that in conjunction with freedom of contract there be a statutory implied rate, *ib.* 2237–2243. 2252–2262.

Statement in favour of freedom of contract as regards furniture and other bulky articles, the present rate not paying the pawnbroker, on account of the expense of storage; doubt as to the enhanced rate to be charged, *Turner* 3956–3961. 3984–4009——Argument that freedom of contract as to pledging at enhanced rates is a boon to parties wanting to raise money, as compared with the obligation of selling their property for the purpose, *ib.* 3994–4009.

Approval of special contract for advances of two guineas and upwards, *Russell* 4917, 4918. 4934, 4935; *Stubbs* 3096–3101. 3133–3179——Suggestion for freedom of contract for bulky articles, and for articles above 2*l.*, provided the pledger be not under 20 or 21 years of age, *Scotson* 5019–5023. 5104. 5112, 5113.

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Freedom of Contract—continued.

2. *Evidence opposed to Freedom of Contract, more especially as regards Small Pledges:*

Objections to a right of special contract, more especially as regards articles below 10 *s.*; *M'Call* 1320–1345. 1357–1360——Capability generally of the poorer classes, in London, to look after their own interests in their dealings with pawnbrokers; objection, however, to a system of freedom of contract, *Williamson* 1591–1593. 1604–1610——Strong objection to freedom of contract under 2 *l.*; effect thereof in greatly encouraging the licensing of "leaving shops," *Walter* 2569–2571. 2581. 2605——Great prejudice to the poorer and illiterate classes if freedom of contracts were applied to pledges under 40 *s.*; *ib.* 2659. 2674. 2677.

Importance of a fixed statutory rate for the smaller pledges; the limit might, however, be reduced from 10 *l.* to 5 *l.*, *Rd. Attenborough* 2692, 2693. 2698–2701. 2876–2878——Effect of entire freedom of contract that every dolly-shop would become a licensed pawnshop, to the injury of the public, *ib.* 2696. 2761, 2762——Doubt as to the poorer classes being capable of protecting themselves in the event of special contracts for pledges below 2 *l.*; non-objection above that amount, *Stubbs* 3096–3101. 3133–3179.

Decided objection to the proposal for free trade in pawnbroking, as tending greatly to lower the character of the trade, and to drive a large amount of capital out of it, *Rt. Attenborough* 3241, 3242. 3287. 3293. 3426——Evil results expected if there were freedom of contract in regard to low pledges, as many dolly-shop keepers, and dishonest Jews, would license as pawnbrokers and would exact exorbitant interest, *ib.* 3287. 3292, 3293. 3310–3315. 3327–3329——Conclusion as to pledgers of the lower class not being able to protect themselves in the absence of a compulsory rate, *ib.* 3318–3315. 3331–3342. 3356–3359.

Decided objection to special contracts being allowed; question hereon whether for those in need the power of pledging is not better than the necessity of selling, *Shaw* 3453–3490. 3515–3524——Grounds for the conclusion that it would be very mischievous to allow freedom of contract, or to permit free trade as low as 40 *s.* pledges, *Sir T. Henry* 3576–3581. 3591. 3618–3620. 3691–3693. 3706–3720. 3722–3730——Disapproval of freedom of contract, save above 10 *l.*, *Johnston* 4115, 4116.

3. *Suggested Freedom of Contract as to the Time of Redemption, as well as the Amount of Charge:*

Proposition for freedom of contract as to the time of redemption, the present period being retained as the implied time, *Hancock* 2244, 2245. 2255, 2256. 2263–2265.

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G.

Glasgow:

1. *Extent and Character of the Pawnbroking Business of Glasgow.*
2. *Stolen Goods.*
3. *Police Regulations.*
4. *Sales of Pledges.*
5. *Wee Pawns.*

1. *Extent and Character of the Pawnbroking Business of Glasgow:*

Total of 109 pawnbrokers, in Glasgow, a very large business being transacted, *M'Call* 1242–1252. 1375–1379——Great majority of the pledges under 10 *s.* value, *ib.* 1253——Respectability of the Glasgow pawnbrokers as a class, though there are exceptions to this rule, witness citing various instances of dishonest practice, *ib.* 1256–1275——Advantage if the licenses of three pawnbrokers, out of 109, were cancelled, *ib.* 1349. 1429——Varying form of books and of tickets in use, *ib.* 1353–1356——Low class of the population which deals with pawnbrokers, this class showing no improvement socially or physically, *ib.* 1380–1396. 1412–1414.

Conclusions as to the very injurious effects of the pawnshops as regards the lower classes, *Miller* 1464 *et seq.*——Estimate of from 150,000 *l.* to 200,000 *l.* as spent yearly in interest in Glasgow, *ib.* 1564–1566.

Calculation that 6,960,000 pledges are made annually in Glasgow, the average of each pledge being 4 *s.*, *A. M'Kay* 2011–2013. 2111——Respectability of the Glasgow pawnbrokers as a body, *ib.* 2199–2202.

Low character of many of the Glasgow pawnshops, *Rt. Attenborough* 3315. 3320–3322.

Calculation that there are about 5,000,000 pledges in Glasgow yearly, *Scoular* 4413——Average of about 3 *s.* 6 *d.* as the value of the pledges below 10 *s.*, *ib.* 4414——Principal classes of articles pledged with witness, clothing being largely pawned, *ib.* 4415–4421——Considerable number of club blankets and club bibles pawned, *ib.* 4547–4550. 4578–4580.

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2. *Stolen Goods:*

Exceptional instances of stolen goods being taken knowingly by the pawnbrokers; they might, however, give greater facility to the police on this score, *M'Call* 1269–1281——Grounds for the conclusion that there is a very large quantity of stolen goods pawned in Glasgow, the pawnshops tending moreover to encourage theft, *ib.* 1371–1374. 1401. 1455–1458——Frequency of stolen goods being pledged in Glasgow, *Miller* 1547, 1548.

Expediency of sending to Pollockshaws, and other places, lists of articles stolen in Glasgow, *Hector* 1868——Great number of articles reported to the Glasgow police as stolen, witness contending that these articles are mainly disposed of through pawnbrokers and brokers, *ib.* 1869–1874.

Statement showing the facilities given by pawnbrokers for the detection of theft, *A. M'Kay* 2053. 2136–2148——Very small losses of witness through stolen goods, *ib.* 2081. 2119–2123—— Conclusion as to very little stolen property in Glasgow being taken to pawnbrokers, but rather to the receiving shops, *ib.* 2093–2095. 2149–2156—— Explanation as to the apparently large number of pawnbrokers or of assistants who are witnesses in prosecutions, *ib.* 2096–2098——Exceedingly small quantity of stolen property deposited in pawnshops, *Scoular* 4442–4448.

3. *Police Regulations:*

Provisions in the Glasgow Police Act for regulating and restricting the pawnbroking business, and for preventing fraud; beneficial effect of these restrictions, *M'Call* 1291–1303——Facilities at present for the inspection by the police of pawnbrokers' books, *ib.* 1421–1424. 1430–1432.

Complaint in regard to the course pursued towards the pawnbrokers when goods are alleged to be stolen, *A. M'Kay* 2081–2086. 2145–2148——Tendency of the provisions of the Glasgow Police Act to check the pledging of stolen property, *ib.* 2136–2144.

Ample facilities of the Glasgow police for inspection, so as to detect stolen goods pledged, *Scoular* 4449–4456——Statement as to the police not taking proper trouble to find out the pledgers of stolen goods, *ib.* 4482, 4483. 4516, 4517.

4. *Sales of Pledges:*

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Previous publicity given to the auction sales of unredeemed pledges in Glasgow, *Davidson* 4590–4595. 4611——Attendance chiefly of brokers, who are the principal purchasers, the public not largely attending, *ib.* 4596, 4597.

Exceptional instances of pawnbrokers bidding at the auction sales, or buying in the pledges through the auctioneer; particulars hereon as to the conduct of the sales by witness, and as to the prices realised, *Davidson* 4598 *et seq.*——Inaccuracy of a statement as to sham sales being got up in Glasgow and Edinburgh for pawnbrokers' pledges, *ib.* 4643, 4644.

5. *Wee Pawns:*

Total of about 450 licensed "wee pawns" in Glasgow, *M'Call* 1448, 1449——Large number of brokers in Glasgow who carry on the "wee pawn" system; expediency of this being prevented, *Hector* 1867——Very large and irregular business formerly done by the "wee pawns" in Glasgow, the restriction upon this system having led to a large increase of legal pledging, *A. M'Kay* 2061–2076.

Large increase in the number of licensed pawnbrokers in Glasgow after prosecutions were conducted against the "wee pawns" under the Act of 1856, *Scoular* 4395–4400——Considerable number of "wee pawns" still in Glasgow, the charges being much higher than in the licensed shops, and the mode of transacting business being very objectionable, *ib.* 4401–4411.

Government. The Government might very well take up the whole question of pawnbroking, *Miller* 1553——Advantages of the Government system of pawn establishments in France and other countries; check thereby upon crime, *Sir T. Henry* 3602-3606. 3610, 3611. 3667-3677. 3703-3705——Approval of a Government system in this country, as on the Continent, *ib.* 3673–3677——Suggestion whether Government might not take charge of pawnbroking, *G. M'Kay* 4344-4346——Exceptions taken to a system of Government advances as in France, and to the exclusion of pledges under 2*s.* 6*d.*, *Scotson* 5090–5101.—— *See* also *France.*

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H.

Hancock, William Neilson, LL.D. (Analysis of his Evidence.)—Barrister-at-law in Dublin; has made an official report upon the Irish pawnbroking laws, 2229-2231——Existence of the present Pawnbroking Acts in Ireland since before the Union, 2232, 2233——Origin of the pawnbroking laws as an exception to the usury laws, 2234——Conclusion that the repeal of the usury laws should be made complete by removing the restrictions upon pawnbrokers, and by establishing freedom of contract as in all other trades, 2234-2242. 2252.

Recommendation that in conjunction with freedom of contract there be a statutory implied rate, 2237-2243. 2252-2262——Contemplated freedom of contract as to the time for which a pledge should be received, there being also an implied arrangement, 2244, 2245. 2256. 2263-2265——Statement as to witness having in 1850 recommended the repeal of the usury laws in Ireland; beneficial results as regards the working classes, 2249-2252.

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Very objectionable operation of clauses 3, 4, and 5 of the Act 39 & 40 Geo. 3, as involving fractional calculations very difficult to carry out; frequent evasion under clause 4; 22-32. 50, 51. 55-75——Suggestion that the rate in Ireland be adopted in England, and that there be a uniform charge of a halfpenny per month for each 2 *s.* or part of 2 *s.*, without any intermediate calculations for portions of a month, 25-28. 32——Satisfaction to be given by an extension of the days of grace from seven to fourteen, if at the end of fourteen days a full month may be charged for, 33-49. 63, 64——Allowance of only three days of grace in Ireland, after which the whole month is charged for, 33. 69-72

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1. *Exceptions taken to the present Rate of Charge:*

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LICENSES AND LICENSE DUTY:

1. *Question of placing the Licenses under the Magistrates.*
2. *Question of increasing and assimilating the License Duty.*
3. *Number of Licenses and Amount of Duty in the United Kingdom.*

1. *Question of placing the Licenses under the Magistrates:*

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2. *Particular Instances in Proof of the small Profits made.*

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2. *Unprofitable Results of Sales of Forfeited Pledges.*
3. *Charge for inspecting Books in Reference to Sales.*
4. *Question of Notice of Sale being given to the Pawner.*
5. *Suggestions for giving to Pawners increased Facilities of Sale.*
6. *Proposal that Pledges under* 10*s. be sold by Public Auction.*
7. *Suggested Separation of the Sale Department from the Pawnbroking Department.*

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1. *Proportion of Pledges of Low Value.*
2. *Unprofitable Character of Small Pledges.*
3. *Question of prohibiting Pledges below a certain Amount.*

1. *Proportion of Pledges of Low Value:*

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1. *Generally as the Quantity of Stolen Goods pawned.*
2. *Nature of the Checks or Facilities in respect of the Pawning of Stolen Property, and the Conviction of the Pawners.*
3. *Objection to the Loss incurred by Pawnbrokers in the Forfeiture of Stolen Goods.*

1. *Generally as to the Quantity of Stolen Goods pawned:*

Grounds for the conclusion that there is but an exceedingly small quantity of stolen property

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1. *Generally as to the Quantity of Stolen Goods pawned*—continued.

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Surplus (Sale of Forfeited Pledges). Objection to so long a period as three years within which application may be made for the surplus from sales, *Hardaker* 249–263——Doubt as to the necessity of any reduction of the time in which surpluses may be claimed, *Dicker* 635–638——Instances of unredeemed goods sold for much more than was advanced upon them, the surplus not being surrendered unless it be demanded, *ib.* 653–661

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Proposal that the surplus on sales of unredeemed pledges should, if not returned to the pledgers, be handed over to local charities, *Miller* 1521–1534——Forfeiture of any surplus on sale at the end of three years, *Hector* 1964——Extremely rare instances of application for surpluses on pledges sold, *A. M'Kay* 2203, 2204; *Walter* 2508; *Scotson* 5040–5042——Propriety of a return of the surplus derived from sales, *Walter* 2508. 2563; *Johnston* 4077.

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TICKETS:

1. *As to the Charge for the Pawn Ticket.*
2. *As to the Particulars furnished on the Ticket.*
3. *As to the Forms of Tickets in Use.*
4. *As to the Sale of Tickets.*

1. *As to the Charge for the Pawn Ticket:*

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Frequent difficulty through the pawn tickets not being legibly written; advantage in the name and article being specified on the ticket, *M'Donald* 3862–3871——Further reference to the proposal as to placing a table of profits on the duplicate, *Turner* 3927, 3928——Expediency of pawnbrokers being required to give on the ticket an accurate description of the property pledged; illustrations hereon, *Johnston* 4083–4086——Approval of the interest being marked upon the ticket, if fractional parts be abolished, *Scoular* 4498.

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4. *As to the Sale of Tickets:*

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AND

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

PAWNBROKERS.

Ordered, by The House of Commons, *to be Printed,*
21 *July* 1870.

[*Price* 9*d.*]

377.

Under 8 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

PRISONS AND PRISON MINISTERS ACTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
30 *May* 1870.

Tuesday, 1st March 1870.

Ordered, THAT a Select Committee be appointed to inquire into the operation of the Prisons Act and Prison Ministers Act, so far as respects the religious instruction provided for prisoners, other than those belonging to the Established Church.

Tuesday, 15th March 1870.

Ordered, THAT the Select Committee on Prisons and Prison Ministers Acts, do consist of Nineteen Members:—

Mr. Knatchbull-Hugessen.
Sir John Pakington.
Mr. O'Reilly.
Mr. Walpole.
Viscount Enfield.
Mr. Robert Fowler.
Mr. Downing.
Mr. John Talbot.
Sir John Trelawny.
Mr. Dimsdale.
Mr. Matthews.
Mr. Arthur Guest.
Lord Pelham.
Mr. Hutton.
Mr. Synan.
Mr. Holt.
Lord Henley.
Mr. Dalrymple.
Mr. Maguire.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Monday, 30th May 1870.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the operation of the PRISONS ACT and PRISON MINISTERS ACT, so far as respects the RELIGIOUS INSTRUCTION provided for PRISONERS other than those belonging to the ESTABLISHED CHURCH;——HAVE considered the matters to them referred, and have agreed to the following REPORT:—

YOUR Committee have taken evidence upon the working of the Prisons and Prison Ministers Acts, by which the appointment of prison ministers other than the chaplain of the Established Church is left to the discretion of the different prison authorities throughout the country. The result has been great inequality in the working of the system. In some prisons, a Roman Catholic prison minister is appointed with an adequate salary, and is placed on terms of equality with the Protestant chaplain; in others, a Roman Catholic prison minister is appointed with a salary, but is not permitted to assemble the Roman Catholic prisoners for Divine Service, being restricted to visiting them in their cells; in a third class, a Roman Catholic clergyman is permitted to visit the prisoners of his persuasion, and to assemble them for Divine Service, but is denied a salary; whilst in a fourth the visits of a Roman Catholic clergyman are only permitted at the express desire of a prisoner. This inequality is specially felt as a grievance by Roman Catholic prisoners, who cannot receive the ministrations of the chaplain of the Established Church without offending against the laws of their own religious persuasion.

Your Committee are of opinion that it is inexpedient and contrary to sound policy that such inequality should exist in the working of our Prison System, and that it is desirable that prisoners of all religious persuasions should be, as far as possible, placed upon a footing of equality with regard to religious ministration and instruction. In this opinion they are supported by the evidence of Captain DuCane, the present, Colonel Henderson, the late, Chairman of the Directors of Convict Prisons, and Sir Walter Crofton, as to the satisfactory working of the system in the Government prisons, where salaried Roman Catholic chaplains attend the prisoners of their own persuasion, and are recognised as officers of the prison. Your Committee recommend that this system should be made general throughout the country.

The complaints which have arisen have related almost exclusively to Roman Catholics. The cases in which Protestant prisoners have objected to join in Church of England worship, or to receive spiritual assistance from the Chaplain, are very rare, and your Committee are of opinion that when such cases may occasionally occur, they be satisfactorily met by the prison authorities under the powers which by Act of Parliament they at present possess.

Your Committee are, therefore, of opinion that prison authorities should be required by law to appoint Roman Catholic ministers in prisons in which Roman Catholic prisoners are confined; and that hereafter the Roman Catholic minister, when so appointed, shall be classed as one of the officers of the prison, and shall receive an adequate salary for his services.

Your Committee are of opinion that the prison minister so appointed should receive a salary according to the following scale:—

If the average number of prisoners belonging to the Roman Catholic religion during the last three years shall have been—

Number of Prisoners.	Minimum Salary.
	£.
More than 10, and less than 20 - - - - -	25
„ 20 „ 100 - - - - -	50
„ 100 „ 200 - - - - -	100
„ 200 „ 300 - - - - -	150
„ 300 - - - - - - - -	200

Your Committee recommend that the Secretary of State should have power to transfer prisoners of any denomination, whose sentences exceed three months, from one prison to another, in order to give greater facilities for religious worship and instruction according to their special tenets.

30 *May* 1870.

PROCEEDINGS OF THE COMMITTEE.

Monday, 21*st March* 1870.

MEMBERS PRESENT:

Mr. Maguire.	Mr. John Talbot.
Lord Henley.	Mr. Walpole.
Mr. Synan.	Lord Pelham.
Mr. Dimsdale.	Mr. Hutton.
Mr. Knatchbull-Hugessen.	Mr. Downing.
Mr. O'Reilly.	Mr. Holt.
Sir John Pakington.	Mr. Dalrymple.
Sir John Trelawny.	Mr. Arthur Guest.

Mr. *Maguire* was called to the Chair.

The Committee deliberated.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 28*th March* 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Sir John Pakington.	Viscount Enfield.
Lord Henley.	Lord Pelham.
Mr. Dimsdale.	Mr. R. N. Fowler.
Mr. Knatchbull-Hugessen.	Mr. Holt.
Mr. Arthur Guest.	Mr. Downing.
Sir John Trelawny.	Mr. Walpole.
Mr. Hutton.	Mr. O'Reilly.
Mr. Synan.	

The Rev. *Alfred White*, the Rev. *Vincent Bond*, and Captain *Donatus O'Brien*, were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 31*st March* 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Sir John Pakington.	Mr. Arthur Guest.
Mr. Knatchbull-Hugessen.	Lord Henley.
Mr. O'Reilly.	Mr. John Talbot.
Mr. Dimsdale.	Mr. Dalrymple.
Mr. Holt.	Viscount Enfield.
Mr. Synan.	Mr. Downing.
Sir John Trelawny.	Mr. Walpole.
Mr. Hutton.	

Captain *Donatus O'Brien*, further examined.

The Committee deliberated.

Mrs. *Susanna Maria Billiter*, examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 4th April 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Sir John Pakington.	Mr. Knatchbull-Hugessen.
Mr. Dimsdale.	Mr. Synan.
Lord Henley.	Mr. Matthews.
Mr. Dalrymple.	Mr. Downing.
Mr. O'Reilly.	Sir John Trelawny.
Mr. Holt.	Mr. John Fowler.
Mr. Hutton.	Mr. Walpole.

The Rev. Dr. *Oemilion Kirner*, Mr. *Francis H. N. Glossop*, the Rev. *D. Crescitelli*, and Mr. *Henry Pownall*, were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 7th April 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Mr. Knatchbull-Hugessen.	Mr. Hutton.
Mr. O'Reilly.	Mr. Dimsdale.
Mr. Synan.	Lord Pelham.
Lord Henley.	Mr. Arthur Guest.
Mr. Dalrymple.	Sir John Trelawny.
Mr. Maguire.	Mr. Walpole.
Viscount Enfield.	Mr. Downing.
Mr. Matthews.	

The Rev. Dr. *Oemilion Kirner*, the Rev. *Vincent Bond*, and Mr. *Henry Pownall*, were severally further examined.

Lieutenant Colonel *Colville* and the Rev. *Patrick Phelan*, were severally examined.

[Adjourned till Thursday, 28th April, at Twelve o'clock.

Thursday, 28th April 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Sir John Pakington.	Mr. Matthews.
Mr. Knatchbull-Hugessen.	Lord Henley.
Mr. O'Reilly.	Mr. Dalrymple.
Mr. Arthur Guest.	Mr. Fowler.

The Rev. *C. J. Keens*, was examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 2nd May 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Lord Henley.
Mr. Knatchbull-Hugessen.
Mr. Synan.
Mr. Arthur Guest.
Lord Pelham.
Mr. Matthews.
Viscount Enfield.
Mr. O'Reilly.
Mr. Dimsdale.
Mr. John Talbot.
Mr. Walpole.
Mr. Downing.
Sir John Trelawny.

Mr. Alderman *John Carter* and the Rev. *James Purdon*, were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 5th May 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Sir John Pakington.
Viscount Enfield.
Mr. Knatchbull-Hugesssen.
Mr. Synan.
Mr. Dalrymple.
Mr. J. Talbot.
Mr. Arthur Guest.
Mr. Dimsdale.
Mr. Downing.
Lord Henley.
Sir John Trelawny.
Mr. Walpole.
Mr. Matthews.

The Rev. *Frederich Myers*, was examined.

The Committee deliberated.

The Rev. *Thomas Dykes* and the Rev. *F. Signini*, were severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 9th May 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Mr. Dalrymple.
Mr. Knatchbull-Hugessen.
Mr. Synan.
Lord Henley.
Sir J. Pakington.
Mr. Arthur Guest.
Mr. Downing.
Lord Pelham.
Mr. Matthews.
Mr. Fowler.
Viscount Enfield.
Sir John Trelawny.
Mr. Talbot.

The Rev. *Ignatius Collingridge* and the Rev. *James Nugent*, were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 12*th May* 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Mr. Dalrymple.	Mr. Matthews.
Mr. Arthur Guest.	Sir John Pakington.
Lord Henley.	Mr. Knatchbull-Hugessen.
Lord Pelham.	Viscount Enfield.
Mr. John Talbot.	Sir John Trelawny.
Mr. Dimsdale.	Mr. Robert Fowler.

Mr. *Samuel G. Rathbone*, the Rev. *Charles Eyre*, and the Earl of *Carnarvon* (attending by permission of the House of Lords), were severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 16*th May* 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Mr. O'Reilly	Mr. Synan.
Mr. Knatchbull-Hugessen.	Lord Henley.
Mr. Arthur Guest.	Mr. Downing.
Mr. Dalrymple.	Mr. Walpole.
Mr. John Talbot.	Mr. Dimsdale.
Viscount Enfield.	Sir John Trelawny.

Mr. *J. H. Gardner* and the Rev. *Vincent Zanetti*, were severally examined.

[Adjourned till Thursday next, at Two o'clock.

Thursday, 19*th May* 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Mr. Knatchbull-Hugessen.	Mr. Talbot.
Mr. O'Reilly.	Mr. Dimsdale.
Mr. Synan.	Mr. Arthur Guest.
Viscount Enfield.	Mr. Dalrymple.
Lord Henley.	

The Rev. *Vincent Zaneiti*, further examined,

Captain *Du Cane* and Colonel *Henderson*, were severally examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 23rd May 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Mr. Knatchbull-Hugessen.	Mr. Downing.
Mr. Dalrymple.	Mr. Robert Fowler.
Mr. Arthur Guest.	Mr. John Talbot.
Mr. Dimsdale.	Sir John Pakington.
Lord Pelham.	Mr. Walpole.
Sir John Trelawny.	Mr. Matthews.
Mr. O'Reilly.	Lord Henley.
Mr. Synan.	Viscount Enfield.

Sir *Walter Crofton*, Mr. *Wren*, and Mr. *John Talbot* (a Member of the Committee), were severally examined.

The Committee deliberated.

Motion made, and question put, "That the consideration of the Draft Report be postponed to this day week"—(Mr. *J. Talbot*).—The Committee divided:

Ayes, 4.	Noes, 12.
Mr. Robert Fowler.	Mr. Knatchbull-Hugessen.
Mr. John Talbot.	Sir John Pakington.
Mr. Dimsdale.	Mr. O'Reilly.
Mr. Dalrymple.	Mr. Walpole.
	Viscount Enfield.
	Mr. Downing.
	Sir John Trelawny.
	Mr. Matthews.
	Mr. Arthur Guest.
	Lord Pelham.
	Mr. Synan.
	Lord Henley.

DRAFT REPORT proposed by the Chairman, read the first time, as follows:—

"YOUR Committee have taken evidence upon the working of the Prisons and Prison Ministers Acts, by which the appointment of prison ministers other than the chaplain of the Established Church is left to the discretion of the different prison authorities throughout the country. The result has been great inequality in the working of the system. In one prison, a Roman Catholic prison minister is appointed with an adequate salary, and is placed on terms of equality with the Protestant chaplain; in another, a Roman Catholic prison minister is appointed with a salary, but is not permitted to assemble the Roman Catholic prisoners for Divine Service, being restricted to visiting them in their cells; in a third case, a Roman Catholic clergyman is permitted to visit the prisoners of his persuasion, and to assemble them for Divine Service, but is denied a salary; whilst in a fourth prison the visits of a Roman Catholic clergyman are only permitted at the express desire of a prisoner. This inequality is more specially felt as a grievance by Roman Catholic than by Protestant prisoners, who may be Dissenters from the Established Church, for the reason that the former cannot, whilst the latter can, receive the ministrations of the chaplain of the Established Church without offending against the laws of their own religious persuasion.

"2. Your Committee are of opinion, that it is inexpedient and contrary to sound policy that such inequality should exist in the working of our Prison System, and that it is desirable that prisoners of all religious persuasions should be, as far as possible, placed upon a footing of equality with regard to their religious instruction. In this opinion they are justified by the evidence of Captain Ducane, the present, and Colonel Henderson, the late, Chairman of the Directors of Convict Prisons, as to the satisfactory working of the system in the Government prisons, where salaried Roman Catholic, equally with Protestant chaplains, attend the prisoners of their own persuasion, and are recognised as officers of the prison. Your Committee believe that this system should be in force generally throughout the country.

"3. With this view they recommend that the discretion as to appointment should no no longer be left, as at present, with the different prison authorities, but that in all prisons in which application shall hereafter be made for the appointment of a salaried prison minister of a persuasion other than the Established Church, the prison authorities shall be bound to make such appointment, subject to the following conditions:—

 "4. If

"4. If the average number of prisoners belonging to the said religious persuasion during the last three years shall have been—

More than 7 and less than 15,	a minimum salary of	25 *l.*	shall be given.
Above 15 and less than 30,	ditto	75 *l.*	,,
Above 30 and less than 75,	ditto	100 *l.*	,,
Above 50 and less than 100,	ditto	150 *l.*	,,
Above 100 and less than 200,	ditto	200 *l.*	,,
Above 200 and less than 400,	ditto	250 *l.*	,,
Above 400	ditto	300 *l.*	,,

"5. Your Committee would also recommend that where the average number of such prisoners shall be less than seven, it shall be lawful for the Secretary of State, by order under his hand, to transfer such prisoners from one prison to another, and to sanction an arrangement (which the prison authorities of such prisons shall be bound to make) by which religious instruction may be secured to such prisoners, and their minister paid by joint contributions from each of such prison authorities."

Draft Report proposed by Mr. John Talbot, read the first time, as follows:—

"Your Committee do not think it expedient to fetter unnecessarily the discretion of the Courts of Quarter Sessions:

"But being desirous not to cause any hardship to a substantial number of prisoners, in connection with provision for their religious needs, they recommend that it shall be compulsory to pay a reasonable salary to the minister of any religious denomination, whose numbers amount to 50 and upwards, and to give facilities for worship of other denominations than Church of England.

"They also recommend that it shall be lawful for the Secretary of State to transfer any number of prisoners from one prison to another, to obviate the religious difficulty."

Motion made, and Question put,—That the Draft Report proposed by the Chairman be now read a second time, paragraph by paragraph.—The Committee divided:

Ayes, 14.	Noes, 2.
Mr. Knatchbull-Hugessen.	Mr. Robert Fowler.
Sir John Pakington.	Mr. Dimsdale.
Mr. O'Reilly.	
Mr. Walpole.	
Viscount Enfield.	
Mr. Downing.	
Mr. John Talbot.	
Sir John Trelawny.	
Mr. Matthews.	
Mr. Arthur Guest.	
Lord Pelham.	
Mr. Synan.	
Lord Henley.	
Mr. Dalrymple.	

Draft Report, proposed by the Chairman, read a second time, paragraph by paragraph.

Paragraph 1.—Amendments made.—Amendment proposed to leave out from the words "desire of a prisoner," line 12, to the end of the paragraph—(Mr. *J. Talbot*).—Question put that the words "This inequality" stand part of the paragraph.—The Committee divided:

Ayes, 10.	Noes, 6.
Mr. Knatchbull-Hugessen.	Mr. Walpole.
Sir John Pakington.	Mr. John Talbot.
Mr. O'Reilly.	Sir John Trelawny.
Viscount Enfield.	Mr. Dimsdale.
Mr. Robert Fowler.	Mr. Arthur Guest.
Mr. Downing.	Mr. Dalrymple.
Mr. Matthews.	
Lord Pelham.	
Mr. Synan.	
Lord Henley.	

Other Amendments made.—Paragraph, as amended, *agreed to.*

Paragraph 2.—Amendments made.—Question, "That this paragraph, as amended, stand part of the proposed Report;" put, and *agreed to.*

[Adjourned till Thursday next, at Two o'clock.

Monday, 30*th May* 1870.

MEMBERS PRESENT:

Mr. MAGUIRE in the Chair.

Mr. O'Reilly.	Sir John Trelawny.
Mr. Arthur Guest.	Mr. Synan.
Mr. Dalrymple.	Mr. Holt.
Mr. Fowler.	Lord Pelham.
Mr. Dimsdale.	Sir John Pakington.
Mr. John Talbot.	Mr. Walpole.
Lord Henley.	Mr. Matthews.
Mr. Downing.	Viscount Enfield.
Mr. Knatchbull-Hugessen.	

Paragraph 3.—Amendment proposed, to leave out from the word "they," line 1, to the end of the paragraph, in order to add the words, "are of opinion that the discretion as to appointing and paying Roman Catholic ministers in prisons, now given to prison authorities, should cease, and that hereafter a Roman Catholic minister shall be appointed by the prison authorities for every prison in which Roman Catholic prisoners are confined; and that when so appointed, and so long as Roman Catholic prisoners are there confined, he shall be classed as one of the officers of the prison, and shall receive a salary according to the following scale"—(*Sir J. Pakington*)—instead thereof. Question put, That the word "recommend" stand part of the paragraph. The Committee divided:

Ayes, 9.	Noes, 7.
Mr. Knatchbull-Hugessen.	Sir John Pakington.
Mr. O'Reilly.	Mr. R. Fowler.
Mr. Walpole.	Mr. Downing.
Mr. John Talbot.	Sir John Trelawny.
Mr. Dimsdale.	Lord Pelham.
Mr. Matthews.	Mr. Synan.
Mr. Arthur Guest.	Lord Henley.
Mr. Holt.	
Mr. Dalrymple.	

Amendment proposed, To leave out from the word "that," line 1, to the end of the paragraph, in order to add the words, "In any prison in which there shall have been a larger number than 50 prisoners on any one day of any one denomination other than the Church of England, the prison authority shall be required, on application, to pay to the minister of such denomination visiting such prisoners a reasonable salary; and if any dispute shall arise as to the amount of such salary, the party aggrieved may appeal to the Secretary of State for the Home Department, whose decision shall be final"—(Mr. *J. Talbot*)—instead thereof.—Question put, That the words "the discretion," stand part of the paragraph.—The Committee divided:

Ayes, 10.	Noes, 7.
Mr. Knatchbull-Hugessen.	Mr. Robert Fowler.
Sir John Pakington.	Mr. John Talbot.
Mr. O'Reilly.	Mr. Dimsdale.
Mr. Walpole.	Mr. Arthur Guest.
Viscount Enfield.	Mr. Holt.
Mr. Downing.	Lord Henley.
Sir John Trelawny.	Mr. Dalrymple.
Mr. Matthews.	
Lord Pelham.	
Mr. Synan.	

Amendments made.—Question put, "That the paragraph, as amended, stand part of the proposed Report."—The Committee divided:—

Ayes, 6.	Noes, 10.
Mr. Knatchbull-Hugessen.	Sir John Pakington.
Mr. O'Reilly.	Mr. Robert Fowler.
Mr. Walpole.	Mr. Downing.
Viscount Enfield.	Mr. John Talbot.
Mr. Matthews.	Sir John Trelawny.
Mr. Synan.	Mr. Dimsdale.
	Lord Pelham.
	Mr. Holt.
	Lord Henley.
	Mr. Dalrymple.

Amendment proposed, to insert the following paragraph: "The complaints which have arisen have related almost exclusively to Roman Catholics. The cases in which Protestant

prisoners have objected to join in Church of England worship, or to receive spiritual assistance from the chaplain, are very rare, and your Committee are of opinion that when such cases may occasionally occur, they may be satisfactorily met by the prison authorities under the powers which by Act of Parliament they at present possess (Sir *John Pakington*).—Question put, That the proposed paragraph be inserted in the Draft Report. The Committee divided:

Ayes, 8.	Noes, 6.
Sir John Pakington.	Mr. Knatchbull-Hugessen.
Mr. O'Reilly.	Mr. John Talbot.
Viscount Enfield.	Sir John Trelawny.
Mr. Robert Fowler.	Mr. Dimsdale.
Mr. Downing.	Mr. Matthews.
Lord Pelham.	Mr. Dalrymple.
Mr. Synan.	
Lord Henley.	

Amendment proposed, after the last paragraph, to insert the following paragraph:—"Your Committee are therefore of opinion, that prison authorities should be required by law to appoint Roman Catholic ministers in prisons in which Roman Catholic prisoners are confined; and that hereafter the Roman Catholic minister, when so appointed, shall be classed as one of the officers of the prison, and shall receive an adequate salary for his services"—(Sir *John Pakington*)—Question put, That the proposed paragraph be inserted in the Draft Report.—The Committee divided:

Ayes, 10.	Noes, 4.
Mr. Knatchbull-Hugessen.	Mr. Robert Fowler.
Sir John Pakington.	Mr. John Talbot.
Mr. O'Reilly.	Mr. Dimsdale.
Viscount Enfield.	Mr. Dalrymple.
Mr. Downing.	
Sir John Trelawny.	
Mr. Matthews.	
Lord Pelham.	
Mr. Synan.	
Lord Henley.	

Amendment proposed, to insert following paragraph:—"Your Committee are of opinion the prison minister so appointed shall receive a salary according to the following scale"—(Mr. *Knatchbull-Hugessen*).—Question put, That the proposed paragraph be inserted in the Draft Report.—The Committee divided:

Ayes, 8.	Noes, 6.
Mr. Knatchbull-Hugessen.	Mr. Robert Fowler.
Sir John Pakington.	Mr. John Talbot.
Mr. O'Reilly.	Sir John Trelawny.
Viscount Enfield.	Mr. Dimsdale.
Mr. Downing.	Mr. Holt.
Mr. Matthews.	Mr. Dalrymple.
Lord Pelham.	
Mr. Synan.	

Another new paragraph inserted.

Paragraph 5, *disagreed to.*

Another new paragraph added.

Question put, That the Report, as amended, be the Report of the Committee to The House.—The Committee divided:—

Ayes, 9.	Noes, 5.
Mr. Knatchbull-Hugessen.	Mr. Robert Fowler.
Sir John Pakington.	Mr. John Talbot.
Mr. O'Reilly.	Mr. Dimsdale.
Viscount Enfield.	Mr. Holt.
Mr. Downing.	Mr. Dalrymple.
Sir John Trelawny.	
Mr. Matthews.	
Lord Pelham.	
Mr. Synan.	

Ordered, To Report, together with the Minutes of Evidence and an Appendix.

EXPENSES OF WITNESSES.

Name of Witness.	Profession or Condition.	From Whence Summoned.	Number of Days Absent from Home under Orders of Committee.	Expenses of Journey to London and Back.	Allowance during Absence from Home.	Total Expenses Allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
White, Alfred	Roman Catholic Clergyman.	Glasgow	6	6 2 –	6 6 –	12 8 –
Purdon, James	- ditto	Maidstone	2	1 2 –	2 2 –	3 4 –
Myers, Frederick	- ditto	Bristol	2	2 10 –	2 2 –	4 12 –
Jansen, Venantius	- ditto	Chester	2	2 12 –	2 2 –	4 14 –
Signini, F.	- ditto	Cardiff	2	3 3 –	2 2 –	5 5 –
Dykes, Thomas	- ditto	Bristol	1	- nil -	1 1 –	1 1 –
Nugent, James	- ditto	Liverpool	2	3 12 6	2 2 –	5 14 6
Collingridge, Ignatius	- ditto	Winchester	1	1 1 –	1 6 –	2 7 –
Eyre, Charles	- ditto	Wakefield	5	3 5 –	5 5 –	8 10 –
Gardner, J. H.	Governor of Gaol	Bristol	2	2 7 –	2 2 –	4 9 –
Wren, Henry	- ditto	Cardiff	3	3 4 –	3 3 –	6 7 –
				Total - - - £.		58 11 6

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MINUTES OF EVIDENCE.

Monday, 28th March, 1870.

MEMBERS PRESENT:

Mr. Dimsdale.
Mr. Downing.
Viscount Enfield.
Mr. Robert Fowler.
Mr. Arthur Guest.
Lord Henley.
Mr. Holt.
Mr. Hutton.
Mr. Knatchbull-Hugessen.
Mr. Maguire.
Mr. O'Reilly.
Sir John Pakington.
Lord Pelham.
Mr. Synan.
Sir John Trelawny.
Mr. Walpole.

JOHN FRANCIS MAGUIRE, IN THE CHAIR.

Reverend ALFRED WHITE, called in; and Examined.

Rev. *A. White.*

28 March 1870.

1. *Chairman.*] WITH which prison have you en connected as visiting priest?—With the estminster House of Correction.

2. That which is called Tothill Fields Prison? Yes.

3. You are not connected with it now, I lieve?—No. I have ceased to be connected th it.

4. When were you first connected with it?— bout the month of October 1866. I do not ow the date precisely. I served in the prison l the 18th September 1869.

5. Who was your predecessor?—The Rev. r. Wynne.

6. When you were first connected with that ison, were you allowed free access to the Roman tholic prisoners?—I was allowed free access the Catholic prisoners, inasmuch as I could them singly, one by one.

7. Were you only allowed to see them singly? I was only allowed to see them singly.

8. Were you allowed to assemble them to- her for the purpose of instruction?—No, I s not.

9. Do you consider that assembling the pri- ers together for the purpose of instruction is neficial both to the clergyman and to those o are instructed?—Essentially so. I think if ormation is expected in the life of a prisoner, an only be effected through the ministrations the church to which such prisoner belongs.

10. It would also economise the time of the rgyman?—Of course it would economise his e, because when dealing with them singly u have to repeat your instructions according the number of persons instructed.

11. When you have a large number of pri- ers assembled together, instruction given to is instruction given to all?—Yes; most of m are equally ignorant, so that what you would say to one you would say to the great bulk of them.

12. In fact, it is individual instruction given collectively, if I may say so?—Yes.

13. At the time you first came to this prison, had you any accommodation in point of room or apartment?—The only accommodation provided for me and my predecessors was a common prisoner's cell, one of the many cells in a certain corridor.

14. Will you give the Committee an idea of what was the size of that cell?—I cannot exactly answer that question, but I suppose it would have been about 9 feet by 6 feet.

15. It was an ordinary prison cell?—It was an ordinary prison cell.

16. Were you allowed to administer the sacraments of your Church in that cell?—I was.

17. It was the only place in which you could administer those sacraments?—It was the only place allowed.

18. The administration of the sacrament of the Eucharist is always considered one of the most solemn and sacred offices of the Catholic Church? —It is.

19. Is it not the fact that it is always administered with as much solemnity as the circumstances will admit of?—Certainly.

20. Will you state to the Committee under what circumstances you administer that sacrament to the Catholic prisoner?—I administered the sacrament as well as I could in the limited space of room to which I was restricted. In this cell there was a table with a white cloth and two candles upon it; these articles were of course provided by the prison authorities, and in that room I have administered the communion to as many as 14 or 15 women at a time; they were stuffed into that cell, and the atmosphere of the cell was something revolting, so revolting, in fact, that it made

Rev. *A. White.* 28 March 1870.

made my predecessor sick, and I may say injured his health permanently; it also injured his predecessor, the Rev. Father Zanetti, who often vomited on coming out of the place.

21. Were you often rendered sick, on many similar occasions?—I felt an inclination to vomit on many occasions, and once I notified to the warder that I felt unwell.

22. Was it the fact that the health of your predecessors in the prison, owing to the want of proper accommodation in this respect, was destroyed?—So I have always understood.

23. Do you know that Father Zanetti often suffered from the same cause?—I know that, and I know that on leaving his work at the prison at Westminster he found himself very often incapable of doing further missionary work that day.

24. At that time what was the average number of Catholic prisoners?—I should say that the average number of those who entered their names as Catholics, at that particular time, would have amounted to about 180.

25. About what time did you first join the prison?—About October 1866.

26. Have you seen the returns for July last?—No; I have not seen the latest prison returns.

27. You would not be surprised to find that by the last return the number of Catholics is 220?—That is so, no doubt.

28. I believe I may say that generally speaking, from the time of your joining the prison until the time you left it, the average has been about 200?—I should say so.

29. Notwithstanding that large number you were only allowed to instruct them one at a time?—One at a time.

30. Did you find that a good mode of conveying instruction, or did you find it to have much effect upon the prisoners?—I found it a very costly mode to myself, seeing that I had to multiply my instructions until I was perfectly sick of the work.

31. But, considering the large number of prisoners, you were able to instruct but a very few?—Very few comparatively.

32. Did you remonstrate with the authorities?—I did; I remonstrated with the authorities in the month of August 1867. I should have remonstrated before that time, but for my certain knowledge that others before me had remonstrated, and remonstrated in vain.

33. Was not the inconvenience you suffered from so many people being stuffed into this narrow cell known to the officers of the prison?—Of course it was known to the officers of the prison.

34. Could it have been otherwise than known?—It could not; and I am certain that all the officers of the prison, as well as the magistrates who attend the prison board, were perfectly aware of that fact.

35. Did you not complain from time to time of the rule limiting the number of prisoners you could receive at a time?—I complained formally in the month of August, and my request was met by a direct refusal.

36. Did you apply by letter to obtain the right to see the prisoners collectively?—I did; I applied for permission to hold divine service, and to see the prisoners collectively for instruction, and I received an answer to the effect that the visiting justices saw no reason to interfere with the resolutions already passed upon that subject.

37. There was some relaxation allowed, I believe, in the following January?—There was, and before that a room was allowed me for my own use, with a retiring room attached to it.

38. When was that?—I cannot tell exactly the time, but I think it was about three months before the new year; I should think that I ministered in the cell for about nine months.

39. When was the time they gave you a room with an ante-room?—That was about from 9 to 10 months after my arrival in the prison.

40. In the month of January 1868 there was a change made, was there not?—There was; I unexpectedly received a letter from the visiting justices in which they consented to allow me to hold a religious service on Sunday mornings, and in which leave was also given to me to see as many as 25 prisoners collectively on week days.

41. You had applied in August for permission to celebrate divine service on Sundays?—I had, and also for permission to instruct the prisoners collectively.

42. And you were then refused?—I was; that was a time when I had great hopes of being indulged in my request, inasmuch as at Coldbath Fields the chaplain had service every Sunday, and was allowed to instruct a certain number of prisoners collectively.

43. In the month of August you asked for these two things; permission to see prisoners collectively, and to celebrate the mass on Sunday?—Yes.

44. You were then refused; will you state to the Committee the answer that was given you by the justices in the following January?—In the following January I received a letter from the visiting justices, in which they acceded to those two requests which I made in the month of August.

45. In the meantime had there not been a good deal of agitation, both in Parliament, and in the press, and at the Quarter Sessions, upon this subject?—Yes, there had.

46. Now, growing bolder, I think, you applied for an afternoon service on the Sunday?—I did.

47. Was that application refused, or granted?—It was granted.

48. What is the character of the service that you hold on the Sunday?—The character of the service is this; it consists of morning prayers, and instruction, and a sermon of 20 minutes, or half an hour's duration, and what we call the sacrifice of the mass; besides these various things, we have the singing of hymns or litanies.

49. And what service had you in the afternoon?—In the afternoon we had, what is called in our Church, the rite of benediction, and there was a sermon in the afternoon, of about the same length of time as in the morning.

50. A sermon of an instructive character?—A sermon of an instructive character.

51. It would be a sermon suited both to the character and position of the prisoners, and to their peculiar circumstances?—I endeavoured to make it so.

52. Is it the general object of Catholic clergymen, in instructing prisoners, to make their instruction as applicable as possible to their circumstances, with a view to their moral improvement?—Certainly.

53. Did you ask permission to hold a day service after that?—Yes; I asked for a daily service, and the magistrates very kindly consented to my request.

54. You

54. You were provided, I think, with a room r public worship?—I was.

55. Do you consider that the prisoners were, nerally, very ignorant?—Very ignorant.

56. And peculiarly requiring instruction?— uite so.

57. Did you ask the visiting justices for any sistance towards that teaching?—I did; I ap- ied to the visiting justices to allow me the rvices of a schoolmistress, whose duty should be instruct those unfortunate women in the ele- ntary truths of Christianity.

58. Was your request granted?—No.

59. Why not?—It seemed to be illegal.

60. Did you apply then for any other assist- ce; did you apply for a Scripture reader?—I d apply for a Scripture reader, and in that I as also met by a refusal.

61. You applied for a Scripture reader to sist in teaching the elementary truths of hristianity?—Yes.

62. Has the Protestant chaplain assistance of similar kind to that for which you asked?—He as, I understand, two assistants.

63. Has he any other religious assistants?— es, a schoolmistress and a clerk; he has the rvices of two or three ladies who assist him in ading the Bible to Protestants prisoners.

64. I suppose you would approve of giving e Protestant chaplain the benefit of the ser- ces of religious ladies?—Decidedly.

65. You think that their presence in the pri- n, and their teaching, would tend to the pri- ners' reformation and to their refinement and evation?—Certainly, that is my idea.

66. Is it within your knowledge that a Catho- c lady of rank applied for permission to perform is Christian duty towards these poor prisoners?—Yes; I am told that a lady of rank applied some w years ago, and that her application was refused.

67. You know her, and, if necessary, her name ould be mentioned?—Yes, I know her well.

68. Did that refusal prevent other applica- ons of a similar nature being made?—It did; t the same time, I must confess, as I told the agistrates themselves on one occasion, that I ould have preferred the services of a school- istress or Bible reader to the services of those dies, because the visiting priest cannot always pend upon their services. I never applied for e services of Catholic ladies, except in one in- ance, when a lady kindly volunteered to play e harmonium for the prisoners at the time of vine service.

69. She was also a lady of rank and position, as she not?—Yes.

70. She wished to play the organ or the har- onium for the advantage of those poor people, nd the greater solemnity of worship?—Yes, e did.

71. What was the answer given to her appli- tion?—The answer was that the thing was mpossible, because ladies were not allowed to sit the prison; that was the answer, and I think at I have got that lady's letter here if the Com- ittee would wish to see it.

72. It is not necessary to produce it; will you st state to the Committee the circumstances of e case?—She was told that ladies were not llowed to visit the prison, and therefore that er request could not be complied with. How- ver, she knew from some source or other that e chairman who addressed her had a daughter ho frequently visited the prison, and she re- called to his mind the fact that his own daughter frequently visited the place, and was allowed to do more than she asked for, as she, the Protest- ant, was allowed to read the Bible and so on, while this lady only wanted to play the harmonium.

73. But still you are of opinion that it was a very meritorious act on the part of the daughter of the magistrate to visit these poor people?— Certainly I am.

74. The visiting justices gave you permission to celebrate divine worship, but did they give you any assistance to enable you to do so?— They put up certain fixtures in the chapel which were absolutely necessary; for instance, there was what they called the Communion Table, and a little side table called the Credence Table, and they fitted up the room with benches, but every thing else more immediately connected with the service at the altar I had to provide myself.

75. Did you do so out of your own pocket?— I did so, at an expense of about 150 *l.*; I sent to the magistrates a list of things that were neces- sary, and amongst other things there was a har- monium mentioned; they replied that they did not intend to give me any of the things applied for. I should mention that they gave me a carpet; I ordered a carpet at my own expense, and the authorities very kindly offered to pay for it.

76. Is the attendance of a clerk necessary at mass?—It is considered necessary for the proper celebration of the service.

77. Did you apply for a clerk?—I applied for a clerk.

78. Was your application granted?—It was refused; and, in my extremity, I wrote to one of the magistrates to beg if he would have the charity to come and help me in my distress, and he replied that nothing would give him greater pleasure than to come and act as clerk in the gaol.

79. Did he do so?—Yes, he did for five weeks; until I received a letter from the visit- ing justices requesting me to provide a boy for the service.

80. The matron is the chief authority in the prison, is she not?—She is.

81. Her position is that of a governor in a male prison?—Yes.

82. Was there any occasion on which the matron seemed to interfere with the Catholic prisoners in a marked and especial manner?— She made herself somewhat disagreeable the first Sunday morning that we held the service.

83. What day was that?—Easter Sunday, April the 12th.

84. What did the matron do on that occasion? —She assembled the prisoners in the yard almost immediately after divine service, and told them that, although they had a Catholic chapel of their own, they were not obliged to attend it, and that they were at perfect liberty to go to her chapel; she asked those who were desirous of going to the Protestant chapel to hold up their hands, and I am informed that some five or six women put up their hands much to the in- dignation of the other Catholics, and there was very nearly a great disturbance resulting from it.

85. Did any one remonstrate with the matron on that occasion?—I was highly incensed at the indignity which was put upon the Catholics, and I went to see one of the Catholic magistrates, and spoke to him about it; he had a private in- terview with the matron on the subject, and the result

Rev. *A. White.*

28 March 1870.

result was that some sort of apology was tendered.

86. Were you present upon the occasion when the matron made that appeal to the prisoners?—I was in an adjoining room at the time she was addressing the prisoners, and saw what occurred, but I did not hear what she said.

87. Were you immediately afterwards informed of the nature of her communication to them?—I was told it by many prisoners the next time that I visited the prison.

88. Do you think that an appeal of that kind was fair?—Certainly not.

89. Do you think it would show an animus rather hostile to a clergyman?—Yes; I consider a speech of that sort to be directly against the Act of Parliament.

90. I believe the Protestant chaplain has a fixed permanent officer to help him?—He has.

91. I understand you to say that the Catholic priest has none?—The Catholic priest has no fixed or permanent officer; there is always one attendant, and very often one will wait upon the visiting priest, for a month or two months; but she is removed at the will of the matron, much to the annoyance of the visiting priest, as he has to give fresh explanations to fresh individuals who wait upon him.

92. You did give a daily service up to the time that you left the prison?—I generally gave a daily service.

93. Will you inform the Committee what that daily service consisted of?—The daily service consisted of morning prayers and instruction, and two hymns, and sometimes instead of instruction I used to teach the women music in the chapel, such as the singing of hymns.

94. On the average, what time per day during the week did you give to those ministrations?—It varied a good deal; perhaps two hours a day, taking it all in all; on the Sunday it might be two hours and a half.

95. From your experience of prison and missionary work, would you say that the work of a Catholic chaplain in a prison is very severe?—Very severe.

96. And I understand you to say that even two or three hours per day, whether on a Sunday or week day, would unfit you for other work?—To a certain extent that really did occur.

97. Did your attendance at this prison interfere with your missionary duties?—It did very much so. I was manager of the poor schools at Westminster, where there was an average attendance of about 500 children, and I had to throw up that work in consequence of my prison labours; I could not go on with it. I felt so prostrated about 12 or 1 in the day that I was unfit to attend to this very laborious work of looking after these poor children.

98. Was not the other work also laborious, but a work of great importance?—It was.

99. I believe you belong to a religious order?—I do.

100. To your order are entrusted the missionary duties of the parish of Westminster?—That is so.

101. Were your brother clergymen to a very large extent deprived of your assistance?—They were very much so.

102. What is the character of the congregation coming to your church?—It is about the poorest in all London; hawkers, costermongers, gasmen, and labourers, and perhaps three or four very small shopkeepers.

103. There are very few gentry, I suppose?—Very few gentry; in fact, the parish is so mean and despicable in its character that those gentry who naturally belong to the place by position very often, in fact generally, go elsewhere.

104. For all the services you rendered, or were willing to render, did you receive one single farthing from the justices?—No.

105. Have you any idea what was the salary paid to the Protestant chaplain?—The salary, I think, according to some returns, was 400 *l.* a year.

106. And considering that the chaplain gives constant attendance, you do not consider that excessive?—Certainly not.

107. There is a note to the last return which runs thus: "This does not include 85 *l.* 16 *s.* paid to a schoolmistress, because she instructs prisoners of all denominations;" did you ever apply for a salary?—I applied, not directly to the visiting justices, but I have applied through others, through Mr. Bagshawe, for instance; I applied to the full court of quarter sessions.

108. Was that application actually due to your poor congregation, and to your brother clergymen?—Certainly. I felt that I was a drag upon them in attending to this prison work gratuitously; that I did not contribute towards my own support in the manner in which I should have done, and my brother clergymen had to labour much more in consequence of my attention to the prison; they had to look after sick calls, and instruct the ignorant.

109. You contributed nothing towards the support of the establishment?—Nothing at all.

110. What time did you retire from the prison?—I retired from the prison some time last autumn, the 24th August 1869.

111. What was the immediate cause of your retirement?—The cause of my retirement, or rather my dismissal, from the prison was this, that I published a resolution of the visiting justices, which had appeared in one of the public newspapers.

112. Will you state the nature of that resolution, and whether you considered you were justified in the course you took?—This resolution of the visiting justices had reference to a certain leading article in the "Pall Mall Gazette," entitled, "The Visiting Justices of Tothill Fields, and the Laundry Question." The visiting justices requested me to inform them as to the mode in which that article appeared in the papers, and who the person was who inserted it, and I wrote back to say that I considered their letter to be of a public character, as it regarded what I considered to be a public business, and that I thought the question put to me was not a pertinent one.

113. Will you just state to the Committee what the nature of the letter was. I forget the wording of the letter. What was the origin of the whole matter?—The origin of the whole matter was simply this, that I published a resolution which formed the contents of a letter which was forwarded to me with respect to what I may call the Laundry Question.

114. I wish you to state to the Committee what led to this matter?—The origin of the Laundry Question is simply this: just now I referred to the visit received by the matron from a certain

ertain magistrate, who remonstrated with her ut a certain speech which she had delivered he occasion of our having religious services Sunday for the first time; from that time ard she turned the Catholics out of the dry and the kitchen; now these two places supposed to be the favourite places of the oners; the work there is what I may call ciation work, and it is more agreeable than r isolated work. The result of this was these poor Catholic women, in general, on r next committal to prison entered their es as Protestants, in order to get the benefit he laundry and the kitchen, and many com- nts were made to me by the Catholic pri- ers, that they could not enter these places. y often Catholic prisoners assured me that r friends who formerly used to enter their es as Catholics, now entered their names as testants, in order to have the advantage orking in these places.

15. They did that in order to get more agree- association?—Yes.

16. Your knowledge is derived from the state- nts which have been made to you by prisoners? es.

17. Whether the statement be right, or wrong, rely upon their information?—Certainly .

18. Did you address the justices in reference his matter?—Yes, I wrote to the justices, said that I looked upon this as an unfair way roselytizing.

19. There was a correspondence, I believe, it that, I believe?—Yes, there was a corre- idence about that.

20. That correspondence was published, was t?—Yes, it was.

21. It was in reference to that correspondence you were blamed by the justices?—Yes, it for the publication of the letters regarding e laundry matters that I was dismissed.

22. At any rate you thought that there was nfair influence brought to bear against your istration in the prison?—Certainly, I did.

23. With reference to an officer receiving a ry, did you consider yourself, while unsala- and merely permitted to visit, an officer of rison?—During the three years I served the n I considered myself as a simple intruder e sight of the authorities; I had no status ever. I could be ridden over by the matron hat I consider to be an unjustifiable manner. s not treated with courtesy, and the officers taken away from me without my being ulted at all about the matter.

24. But if you had your status, and were a ied officer in the institution, you would be to hold your own fairly?—I should be able old my own.

25. Would it be your wish to do anything to fere with the discipline and order of the n?—By no means.

26. On the contrary, would it be your wish everything to maintain it?—Certainly. I done my best to promote discipline and r in the place; I have prevented women at s from striking the matron. Women have to me in a passion about certain things h have occurred, and I have calmed them .

27. In doing that you were simply discharg- our duty?—I was simply discharging my

128. Have you any remark to make, or suggestion to offer to the Committee; you have no personal interest in the matter now, I believe?—I have not.

129. You are stationed in Glasgow now, are you not?—I am stationed in Glasgow now.

130. If there are any recommendations you would wish to make to the Committee you can do so?—I consider that Catholic prisoners can never be reformed in our county or borough gaols unless by the influence of religion, and they cannot enjoy this influence unless the priest who instructs them is placed upon the same footing as the Protestant minister; he should devote his whole time to it, and should be paid fairly and honourably for his labour. I consider that a prison is the last place of all where there should be any religious wrangling or disputes. We are there for a common end, to effect a common good, and to prevent these people from becoming re-convicted.

131. Sir *John Pakington.*] I understood you to state that you had no wish to interfere with the discipline and order of the prison; I presume that, acting as you were, you would not have been allowed to interfere with the discipline and order of the prison, even if you had been so minded?—No, certainly not.

132. If you had interfered in any way with the discipline or order of the prison, your dismissal would have been the result?—Certainly, and I am not aware of having broken any prison rule during the three years I was there; the magistrates certainly never reprimanded me.

133. You stated you had no status; who appointed you?—The visiting justices tolerated my presence in the prison, but there is no appointment; the phrasing of it is, that there is "the approval of a priest," not "the appointment of a priest."

134. What caused you to be selected rather than any other Roman Catholic priest?—Because I applied for the appointment.

135. To whom did you apply?—To the visiting justices.

136. They approved of your acting?—Yes, they approved of my acting as visiting priest.

137. Do you not think that that gave you a status in the prison?—Not a status in the sense to which I referred; that is to say, I have never had the status of any other officer there; I was never treated as an officer, and Mr. Serjeant Payne, in one of his discourses at the Clerkenwell Sessions House, insisted upon the fact, that I was there upon my own account, and therefore I ought not to be paid.

138. That is another question; you were there upon your own account, but you were there for three years continuously?—Yes.

139. And until this affair in the laundry took place, you were never interfered with, or denied admission into the prison?—I was never denied admission into the prison.

140. You mentioned a resolution and a letter relating to your dismissal; if I followed rightly what you stated to the Committee, it began by your writing to the visiting justices, to complain of the exclusion of these Roman Catholic women from the laundry?—Yes.

141. Then, I apprehend, you received from the visiting justices an answer to this letter?—Yes, I did.

142. Was that the letter which you published in the newspapers?—It was.

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143. Was that letter, in its general character and tone, an official letter?—It seemed to be an official letter certainly.

144. It was a letter written officially, in the name of the visiting justices?—Yes, it was.

145. Then you mentioned the resolution which the Committee have not seen or heard anything more about; by whom was that resolution passed?—That resolution was passed by the visiting justices of the prison.

146. Was that in consequence of your application?—It was in consequence of a certain article that appeared in the "Pall Mall Gazette."

147. I apprehend, from what you have said that that article was founded upon the answer you received from the visiting justices?—Yes, it was.

148. And then, after the article appeared, the visiting justices passed a resolution?—After the article appeared they passed a resolution, and that resolution and the correspondence, are, I believe, upon the Table of the House of Commons.

149. Then you say you have no salary whatever?—I have no salary.

150. And you also stated that you applied to the Court; did you apply in person, or by letter?—I applied through Mr. Bagshawe; Mr. Bagshawe made a motion to the effect, that I and the clergy of Westminster, who attended the prison, should be allowed a salary.

151. Was that at the public quarter sessions?—Yes.

152. Was that motion refused?—Yes, it was.

153. Was there a division?—Yes, there was

154. What was the majority against you?—There was a good majority of votes; I cannot tell you the majority, but I considered it to be a large one.

155. Can you tell the Committee what would be about the average number of prisoners, of all denominations, who were confined in the Westminster House of Correction during the time that you officiated there for the Roman Catholics?—I think the daily average might be considered as about 700.

156. Then, in fact, the Roman Catholic criminals constituted, speaking roughly, about one-third of the whole number of people?—Yes.

157. Is not that a larger average of Roman Catholics than is usual in the prisons in England?—I think not; I think in Liverpool, for instance, the average is larger.

158. Referring to the three years during which you held the office, when was it that you made the application before the court of quarter sessions for a salary; was it early in your ministration?—No, it was not early; it was in January 1869, after I had been there two years.

159. Had you been there upwards of two years without making any such application?—Yes.

160. You were content for those two years to labour without salary?—I was not content to do so; but the reason that I did not apply before was, that I had the certainty of not succeeding in the application so I did not make it.

161. Has the application ever since been renewed?—Yes; previous to Mr. Bagshawe's motion a Protestant magistrate of his own accord, Mr. Northall Lawrie, moved in the court of quarter sessions, that the Roman Catholic clergyman should be paid; that was about a year before Mr. Bagshawe's motion; a division took place upon the motion, and there was a large adverse majority.

162. During the period that you were connected with the prison, was there any other minister of religion admitted to attend to the spiritual interests of prisoners of any other denomination besides the Established Church and the Roman Catholic Church?—No one that I know of.

163. Did the woman who is referred to in this printed paper as attending to the instruction of the prisoners, attend to the instruction of the Roman Catholic as well as Protestant prisoners?—Yes, she taught them; there was a Roman Catholic class which she taught by themselves.

164. I think you told us the fact that about the commencement of the year 1868, considerable concessions were made to you as compared with the previous state of things?—Yes, certainly.

165. I believe you were allowed to carry on your services?—Yes, and to see the prisoners collectively.

166. And a room was also assigned to you?—Yes, that was so.

167. Did you collect any number of prisoners together at one time in that room?—No; I did not avail myself of the permission which was given to me of instructing 25 prisoners at a time, because, I said to myself, "For the present I will rest satisfied with the Sunday service, where I shall be able to instruct them collectively, and then later on, I shall ask for a daily service," which was given to me.

168. What do you mean by 25 prisoners?—At the time the magistrates gave me permission to hold the Sunday service, they also gave me permission to see 25 prisoners collectively on week days.

169. The Sunday service was only limited by the size of the room, was it not?—It was only limited by the size of the room.

170. With due regard to health and tolerable comfort, how many prisoners could you assemble in the room for Sunday service?—I should say that 150 would be the greatest number that could be conveniently got into the room.

171. What was the room that was assigned to you after 1868?—A room set aside for the chapel.

172. It was a room fitted up for your purposes, and was practically a chapel?—Yes.

173. That room, I understand, with decent convenience, would hold 150 prisoners?—Yes, it would.

174. That number would leave a considerable margin of those who could not get into it?—It would.

175. How did you manage with the service for those prisoners who did not get in?—Of course they had no service at all; I could not give two services in the morning, because I had other work to do in the town.

176. Did you make any arrangement by which those who did not come on one morning could come on another?—No, I had nothing to do with such regulations; I wrote to the visiting justices in the year 1868 to the effect that the room was too small for the number of prisoners and I made a complaint of the prisoners being unable to attend, but the answer was, that the room was large enough for the average number of prisoners.

177. In the early part of your evidence you state

ted that you were not allowed to collect the soners together?—No.

78. Then you stated, almost immediately erwards, that you administered the sacrament 15 women at a time?—I used to instruct the soners, one by one, for communion, and then en the day for administering the sacrament ived, I was allowed to see them for communion ether.

79. For that one purpose?—Yes.

80. As long as you were confined to that cell, y did you administer the sacrament to all that nber?—All do not receive at the same time; mited number only go.

81. On the whole, how much of your time occupied by your duties in prison?—I think ut two hours a day.

82. On the average through the week?—On verage through the week.

83. Do you mean to say that on week days were engaged in your ministration to the ent of two hours a day?—I think so, taking ll in all; I never timed myself, so I could say exactly; sometimes I was more, sometes I might be less.

84. Beyond those two hours a-day you were free for other duties?—I was left free for er duties with the exception of those two rs a-day; of course there was a certain numof letters to be written, which I had to do at e, and prison matters to be conducted; for ance, providing the necessary things for the bration of divine service; all that occupied a ain portion of my time.

85. After the concessions were made in 1868, ou consider, as a Roman Catholic clergyman inted to look after the spiritual interests of Roman Catholic prisoners in that goal, that had any serious cause of complaint beyond fact that you have not received any remuation for your services?—That was the chief e of complaint certainly.

86. Mr. *O'Reilly.*] As I understand, you conr you are not a regularly appointed officer of prison?—Yes, that is so.

87. Being merely an extern allowed to visit? es.

88. Are there any other persons who are, to knowledge, permitted to visit the prisoners he gaol?—There were three ladies that I to meet there.

89. And those are persons allowed to visit oners, but they are in no sense officers of the on?—They were in no sense officers of the on.

90. Have they given the words rightly in the r appointing you "a priest approved to visit criminal prisoners"?—That is correct.

91. The honourable Baronet next to me d you whether there was not an unusually e number of Roman Catholics in the prison; ou aware that the number of Roman Catholrisoners varies very much in different prisons ngland according to the locality, that is to according to the number of poor Roman Caics in the district?—They do.

92. Would you be surprised to hear that e are 23 prisons in England with upwards of and in some cases 300, Roman Catholic prirs in each?—I should not be surprised to it. I believe that the refuse of Ireland e into England and get into distress, and are eby driven to crime.

93. So that there are some prisons in which there are upwards of 100 Roman Catholics?—Yes; in Liverpool the number is very large, and in Bristol also.

194. *Chairman.*] Have you got the correspondence and the resolution?—No, I have not.

195. Could you have it handed in next time; the correspondence has been printed in one of the county books?—It has.

196. Mr. *Holt.*] Is this the correspondence (*producing a pamphlet*)?—Yes.

197. I think you stated that upon your application to the visiting justices you were allowed to visit the prisoners; what induced you particularly to make that application?—I was asked to do so by my superior.

198. Under the direction of your ecclesiastical superior?—Quite so; I was asked if I would take it, and I said I would, and I therefore presented myself as an applicant.

199. In the event of the justices deciding to appoint the Roman Catholic chaplain as an officer of the prison, would the same course be followed?—Yes.

200. Would the magistrates have any opportunity of making a selection, or would there be one priest appointed to make application, so that they would either have to appoint that priest, or no one at all?—In the event of the visiting justices not appointing that priest, another would present himself to be approved of by them, and so on until one had been determined upon.

201. In each case the priest who offered himself would be the priest who was instructed to do so by his ecclesiastical superior?—Yes; of course, a priest might ask his superior to allow him to undertake the post, if he preferred such duty, as some men do.

202. When you became connected with the prison, was any provision at all made for divine service in accordance with the rites of your church?—None; there was the service of the communion in the cell referred to.

203. Then what was done by you to provide the necessary articles which were required?—I applied to the justices to provide the chalice and vestments, the altar-plate, &c.

204. Which of these things were provided by the justices?—None of them; the justices provided the fixtures of the chapel and the carpet.

205. Then the articles provided by you consisted of the chalice and vestments?—I should say about 18 or 20 articles were necessary; vestments and linen, and plate and different sorts of things required for the celebration of divine service.

206. Were they things required for your own use, or to render the room suitable?—They were required for the religious service itself, and things without which you could not perform religious service; those religious services are of two kinds: first of all there is what is called the mass, which is the morning service, and in the afternoon there is what is called benediction; for the mass a certain number of things are required, and for benediction other things are necessary, without which it would be impossible to perform either of the two services.

207. Did you apply to the justices to enforce any regulations in connection with the Roman Catholic religion other than those that were in force at the time when you went to the prison?—I think my first application to them was in August, about nine months after my arrival in the prison; I should have applied before, but I knew

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knew very well that others had applied, and had always met with a refusal; I applied in August, because I thought there was a good chance of my succeeding, in consequence of divine service having been celebrated in Coldbath Fields Prison.

208. You stated you considered it an indignity that the matron asked the Roman Catholic prisoners whether they wished to go to the Protestant chaplain?—I did, certainly.

209. Would you have considered it an indignity to ask Protestant prisoners whether they wished to go to the Roman Catholic chaplain?—I should indeed.

210. In the event of your being at the head of a prison in a Roman Catholic country, would you not think it right to allow Protestant prisoners to go if they chose to the other service?—I should not encourage it.

211. Would you not let them know that they could do so if they wished it; would you consider it an indignity?—No; because there would be no other service provided for them; if there was but one mode of worship provided them, I do not see that there would be any great indignity in allowing prisoners of a different creed to enter our chapel.

212. In the case of a Roman Catholic prison on the continent, when Protestant prisoners were allowed to have the ministrations of their own chaplains, would you consider it an indignity to state to them that they were at liberty to attend the Roman Catholic service if they chose?—Certainly I should, if they had a minister of their own.

213. With regard to such prisoners as enter themselves as Roman Catholics on arrival at the prison, are they allowed to see the Protestant chaplain if they wish it, although they may be Roman Catholics?—It seems in the prison at Westminster, that all the prisoners, whether they wish it or not, have to see the Protestant minister.

214. But I am speaking of a gaol in which a Roman Catholic chaplain is appointed; do you know whether the Roman Catholic prisoners in the gaol are allowed to see the Protestant chaplain if they wish it?—No; they must abide by what they say on their admission. Their names are taken down, and their creed asked for, and they are supposed to adhere to that, unless there is good reason to the contrary. A person who enters his name as a Catholic on entering the gaol is bound to remain in that category all the time he is in the prison.

215. The Committee want to know whether you can speak of any prison in which that is the rule?—It is the rule in Wakefield Prison, and in all Government prisons, that prisoners adhere to what they have stated upon their entry. They are asked by the porter to state what their creed is, and they are registered accordingly. Catholics are visited (although against the Act of Parliament) by the Protestant clergyman, which ought not to be done unless the priest has been absent from the prison a certain number of days, I believe 12 or 14 days.

216. Do those regulations extend to the library, with respect to the class of books which prisoners are allowed to read?—Yes; prisoners are allowed to read their own religious books.

217. They are allowed only the books which the priests approve?—The books approved by the justices, at the instance of the priest.

218. May it not be the cause why the Roman Catholic prisoners on their second visit to the gaol enter their names as Protestants, instead of Roman Catholics, that they have greater liberty in the matter of books, and in the matter of receiving the visits of strangers?—I think not.

219. You named a Scripture reader as the person whom you wished to have to assist you; will you inform the Committee what the duties of the Scripture reader would be?—I applied to the visiting justice for a schoolmistress; of the two I should have preferred under the circumstances to have had a schoolmistress, as I should have given this schoolmistress instructions as to what to teach those unfortunate prisoners with reference to those things which were most necessary; but as I was refused the services of a schoolmistress I was very anxious to have the New Testament read to the prisoners, in the hope that they would derive very much benefit from the lecture.

220. Then what would be the duties of the Scripture reader; simply to read the New Testament?—Simply to read the New Testament; but in all probability I should have asked the visiting justices permission to convert her sometimes into an instructress, and to let her expound the Scriptures according to our own interpretation of them.

221. Then I understand her duty would have been to read the Scriptures, and explain them?—To read the Scriptures, and explain them.

222. Mr. *Dimsdale.*] I think you stated that in August 1867 you remonstrated with the justices for not permitting you to see a number of Catholic prisoners at a time; was that absolutely refused, or was any statement made about it?—It was absolutely refused.

223. You are not aware that it was in consequence of an opinion having been given that it was illegal to grant that permission?—I think they spoke of the illegality of it.

224. Let me call your attention to the refusal of a permission to grant a Scripture reader; are you aware that a similar application was refused to two Protestant ladies in the previous year?—No, I am not aware of it.

225. If that were so, you would think that it was intended to deal equally with the Roman Catholics and the Protestants?—Yes.

226. With reference to the harmonium, are you aware that no harmonium was allowed to be placed in the Protestant chapel?—I know that there was no harmonium placed there, but I was not aware any had ever been asked for, or that the Protestant minister ever intended to have one.

227. Then with regard to the fittings of the chapel; I understand you to say, that there was an altar put up by the visiting justices?—There was.

228. Then, what I may call the essentials which were required for the Roman Catholic communion, were supplied by you?—All the essentials necessary for the proper celebration of divine service.

229. Then with regard to the refusal of the acolyte, was that refused upon special grounds, or upon general grounds?—There was no particular reason assigned by the visiting justices.

230. Was not something said with regard to the age of the boy, to the effect that the first boy was over the specified age?—He was over the proper age; I was in the Isle of Wight about that

hat time, and I forgot the letter I received from he visiting justices about the age; a mistake ccurred in that respect upon my part, but I fterwards sent a boy who was under the specified ge.

231. Let me call your attention to a letter of 2th April 1868; was that when the matron ddressed the prisoners in the way you described? —Yes.

232. I believe you did not hear the speech she ade?—I did not.

233. Then whatever information you obtained pon the point is derived from hearsay?—I btained it from the prisoners.

234. Your complaints against the matron range nder these two heads: her having made this ddress to the prisoners; and also the laundry uestion?—And also the arbitrary removal of fficers without consulting the visiting priest.

235. Now I will call your attention to the uestion of the laundry. I think you stated that he Roman Catholics were turned out of the undry and the kitchen immediately after the peech was made?—Yes.

236. It is on that account that you considered here was a proselytising object in removing the atholics from the laundry?—Yes.

237. How many cases came under your knowdge of Catholics being turned out of the laundry. think there was one particular case, that of Iary Morgan, who told you that she had deared herself a Protestant at first, because she ould otherwise have been excluded from the undry?—Yes, and I heard of other cases terwards.

238. How many of those cases did you bring nder the notice of the visiting justices?—Only at one. I knew of others, but I only knew of em through information which was supplied to e by prisoners, which you cannot always act pon, but when many agree upon a certain ing, you may generally conclude that there is certain amount of truth in their statement.

239. With regard to the size of the chapelom, you have stated that you did not believe would accommodate more than 150 people?—think it would not.

240. Would it not, if an additional number of enches were placed in it?—As the room is fitted o at present, I do not think it is conveniently pable of holding more than 150.

241. Did you ever have more in it than 150? —Yes, I had 170 once; but it was both inconeniently and unhealthily crowded.

242. There is always a per-centage of Roman atholic prisoners, who from illness, or other uses, cannot attend the chapel, is there not?—es, amongst female prisoners it must be so; en there are some who are under punishent.

243. I think I gathered from your answer to e honourable Baronet that all your reasonable mands were complied with, except as regards e pay?—Yes; I think if payment were given, at the priest in the receipt of such payment ould devote to the prisoners the whole of his me, and things would go on satisfactorily, as he ould hold a position in the prison which he does t now occupy, and he would look upon himself bound to those around him, and to the officers the prison, and they would be more bound to m. It would be a more natural arrangement, I nsider.

244. You have been succeeded, I believe, by another Roman Catholic priest?—I was succeeded immediately.

245. Do you know whether there have been any complaints made by him?—I have not heard of any.

246. Mr. *Hutton.*] With regard to these altar fittings, you state that you paid 150 *l.* for them, or thereabouts?—I did.

247. They therefore became your own private property?—I gave them to the prison; I never dreamt of removing them, and I never should do so, although, strictly speaking, they are not prison property. If the priest were not allowed to perform his ministrations there, I should consider that the last priest should remove them, and give them, perhaps, to some charity.

248. Mr. *Synan.*] You think it would not be fair in a public prison, in which one-third of the prisoners were Roman Catholics, that you should be called upon to apply your private property to public purposes?—I think it was rather too hard upon me.

249. Now, with respect to the selection of candidates, you state that there was no selection, as there was only one candidate for permission to occupy the post?—That is so.

250. It is only a permission, it is not an appointment?—It is not an appointment.

251. And it would be strange, would it not, if there were more than one candidate for such an office, as that for which there is no emolument? —There would not be more than one at a time.

252. Is it usual to have candidates for offices to which there is no pay attached, and which are productive of great inconvenience to the individual who holds them?—It certainly requires a special vocation.

253. Now, with reference to the matron, you did not hear what she said to the prisoners after she had given them that intimation in public?— I did not.

254. But you saw what occurred?—I did.

255. Did you see the show of hands?—No.

256. You stated that five or six prisoners held up their hands?—That is what I have heard.

257. You saw that she was addressing them almost immediately after the service?—She was.

258. Do you think that the prisoners would consider it a favourable inducement to be allowed to remain in the laundry and the kitchen?— Certainly.

259. And I suppose you would not think it fair that such an inducement should be held out to a prisoner, in order to induce him to change his creed, or any other opinion that he might hold?—Certainly not.

260. If such a thing occurred in a Roman Catholic country it would be just as culpable as if it occurred in a Protestant country, would it not?—Certainly it would.

261. You were asked a question about the illegality of the appointment of a scripture reader?—The answer was that it was against the statute.

262. When was that answer made?—On March the 14th, I think, or thereabout.

263. In what year?—1868.

264. You were asked whether a similar application was not refused to the Protestants; as I understand your evidence, you state that the Protestant chaplain had a scripture reader?— The Protestant chaplain had a schoolmistress who reads the scriptures; the scriptures are read by her, and also by ladies who visit the prison.

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265. I believe I understood you to state that the Protestant chaplain had two readers?—Yes; two assistants.

266. They read the scriptures and instruct the prisoners?—Yes; they do what he wants them to do.

267. Therefore it is not true that a similar application was refused to the Protestant chaplain, inasmuch as instead of having one, he has two schoolmistresses?—That is so.

268. You were asked about the harmonium, as to whether a similar application was not refused to the Protestant chaplain; I believe that music is more an essential feature of the Catholic service than it is of the Protestant service?—I think so; and at the same time that I asked for this harmonium, an organ was being erected at Coldbath Fields for the Protestant minister, from which I concluded that if the Protestant chaplain at Westminster asked for it, he would have been granted a like favour, seeing that it had been granted to a person holding a similar position elsewhere.

269. I think you have been asked whether those visiting justices did not provide you with an altar; will you just tell the Committee what is the nature of this accommodation which they have provided you with, which is called an altar?—It is a framework; a kind of table.

270. Covered with a cloth?—Yes.

271. What is the value of it?—I have no idea; it is a neat little table; it is in keeping with the room.

272. What would be the proportion of the expense of that with which the visiting justices have provided you, namely, the table, carpet, and fixtures, as compared with that which you provided out of your own private pocket, for essentials for the Catholic service?—I cannot say; I am not sufficiently acquainted with the value of those fittings.

273. Can you say whether they paid so much as you did?—I should think not.

274. Or anything like it?—I think not. There was of course the doing-up of the room, and the whitewashing of it, and putting up the gas fixtures.

275. Your support, I suppose, is derived from voluntary contributions?—From voluntary contributions.

276. And when you were in the prison at Westminster, and attending your schools, your support was then derived from voluntary contributions?—Yes.

277. Consequently, if you got a salary for doing this public duty it would not only relieve the members of your own fraternity but it would also relieve your congregation from a portion of the burden of supporting you?—Certainly, they would not be called upon so often for the support of the clergy.

278. With respect to the correspondence. Your letter of the 21st of August made a specific complaint, that you considered taking these Catholic inmates into the kitchen and the laundry, as not alone placing them in a better position in the house, but is a positive inducement to them to proselytise themselves?—I consider it had that effect.

279. I have read the resolution and the letter of the justices, and I have read the report of the mistress, and not one of them makes any answer to your charge of these arrangements having a tendency to proselytise. Now you were asked a question respecting the effect of these laundry arrangements. It is only when the prisoners enter the prison for the second time that they change their religion?—Certainly; that is so.

280. Do they do it the first time?—Before I took service in the prison I understood that many Catholics entered their names as Protestants, in the expectation of getting better treated.

281. You know, as a fact, that they looked upon this as a favour and an inducement?—They did.

282. And that many of them availed themselves of it?—I understand so.

283. Mr. *Guest.*] You stated that your duties occupied you about two hours each day during the week?—That is so.

284. And about two hours and a half on Sunday?—Yes.

285. Supposing that you had freer access to the prisoners, and also better accommodation, do you think that your duties would occupy less time?—I only gave to the prisoners what time I could spare, but I never gave to them that time that I ought to give them if I expected much reformation; I could not do it. I do not for a moment pretend to say that two or three hours a day would be sufficient for the instruction of those prisoners. I gave them what little time I could spare.

286. What I wished to understand was this, do you consider that if you had freer access to the prisoners, or as free as you have now, and also better accommodation for performing Divine service your time would have been economised in consequence; you made some remark about your time being unnecessarily taken up?—That was in 1867, when I was only allowed to see the prisoners one by one, then a good deal of my time was lost unnecessarily; but afterwards I had free access to the prisoners; the magistrates allowed me a daily service.

287. You stated that you spent about 150*l.* out of your own pocket for the necessary appliances for conducting Divine service, what do you consider would be the sum required each year for those necessaries?—Those necessaries once procured, the expense of the chapel would be comparatively very light afterwards. The great thing is the first fitting up of the chapel.

288. There would be no other necessary expenses in performing the Divine services?—The necessary expenses from that time forward would be very slight. I suppose 12*l.* or 14*l.* a year would cover the whole expense from that time forward.

289. Lord *Henley.*] I wish to ask you a question with respect to this intimation which was given by the matron on the 12th of April 1868, that the prisoners might attend the service of the Protestant chaplain if they wished it, was that done as an answer to any proselytising attempt upon your part?—I think not.

290. Was there any such attempt?—I am not aware of having made any attempt to proselytise.

291. Can you account at all for the difference in the way in which the return at this prison is made out from all the other returns. In all other returns the prisoners are classified as belonging to various denominations, but in this prison they are simply returned as Protestants and Roman Catholics?—I think that is a simple means of classifying them; because, if I remember correctly, in looking over the previous returns the numbers of those belonging to dissenting sects in gaols was very small indeed.

292. Bu

292. But do you not, in the course of your experience, find many prisoners admitted who really have no religion at all?—Yes.

293. Under what head would they be classified?—They are obliged to choose a religion on their entrance into prison.

294. Then you would not consider it a part of your duty, if you thought that any prisoner was doubtful as to the body that he belonged to, to speak to him and endeavour to instruct him?—I could not have access to such prisoners, because their names are taken down upon their entrance into the prison, and also their particular creed; they are obliged to state some creed on their entrance.

295. So that proselytising on your part would be almost impossible?—It would be quite impossible, as I should only have access to those people who represented themselves as being Roman Catholics.

296. Viscount *Enfield.*] You had a successor, you state?—Yes, I was succeeded immediately.

297. With regard to the essentials for the celebration of the mass, you state that you have left those behind you?—Yes, I have.

298. Do I understand you to say that they were your gift; or were they the gift of benevolent and charitable persons in the neighbourhood?—I went about begging money from my friends for them, and I bought them all. There were very few gifts among the things; they were articles that I bought out of money which I begged for the purpose.

299. With the exception of the occurrence which you have mentioned of the 12th of April, were your dealings with the visiting justices and the matron, generally of a harmonious and satisfactory character?—I think so, up to that point.

300. Mr. *Downing.*] There was a distinction drawn in the early part of your examination between a clergyman appointed and a clergyman permitted; are you aware that under the 3rd section of the Act the justices may appoint a minister at a salary?—Yes.

301. And are you aware that they may permit a minister to visit the prison?—I am.

302. And that he is no officer?—That is so.

303. That is your position, is it not?—Yes; I always regarded it as such.

304. Will you allow me to ask you whether you were handed a list of the Roman Catholic prisoners when you received permission to enter the prison?—Yes, the authorities were very good; they always provided a list, which was handed to me.

305. Will you be kind enough to take that in your hand (*handing the last Return to the Witness*), and refer to page 6. Do you see there under the head of the "City Gaol and House of Correction, Chester," that the relative numbers in that gaol are, Protestants 411, and those of the Romish Church 194?—That is so.

306. Do you find there that the Protestant chaplain has a salary of 100*l.* per annum?—Yes.

307. And that there is no Roman Catholic chaplain appointed?—I see that.

308. Will you now refer to page 7, to the "Derby County Prison"?—Yes.

309. Do you see that there are there 326 Roman Catholics?—Yes.

310. Do you see that there is a Protestant chaplain there, with a salary of 270*l.* per annum?—Yes.

311. And do you see there a note that "a Roman Catholic priest visits prisoners of that persuasion, and supplies them with books and instruction, without any cost to the country"?—Yes.

312. Mr. *Knatchbull-Hugessen.*] You told us that in August 1867 you were refused permission to celebrate divine service; and in answer to a question from an honourable Member of the Committee, you informed us that the reason, or one of the reasons, assigned for that refusal was its illegality?—I think so.

313. Are you aware that any new Act was passed between the time of that refusal, and the granting of the relaxation towards the end of 1867?—I think not.

314. It was simply that the magistrates had found out at the end of 1867, that that was legal which at the commencement of the year they thought was illegal?—That is so.

315. Do you visit these prisoners without their request?—No, they were always asked if they wished to see the priest.

316. If they do not wish to do so, you have no power to visit them?—No power whatever.

317. Is that the case with prisoners not of your persuasion?—No.

318. The Protestant chaplain has the right to visit every prisoner, with or without his will?—He has.

319. Do you consider that that is a disadvantage, and that it creates a feeling of inequality?—Yes, certainly.

320. Does your experience lead you to the conclusion, that persons confined in gaols are likely to ask for the ministrations of a clergyman?—No, the worst of them do not care much about it.

321. And those are just the men to whom they are most necessary?—Exactly.

322. With regard to the non-application for salary on your part for two years, are you acquainted with the fact, that there had been previous refusals to grant salaries?—I have always understood so.

323. Was that your reason for not making the application?—I considered that it was too great a request to make, as minor applications had been refused.

324. After you had been established in the prison two years, you considered that you had so established yourself in the opinion of the justices, that you might have a better chance of getting your request granted?—Yes.

325. Is it not the case, with regard to the discipline of the Roman Catholic Church, that no priests would offer themselves as candidates, half-a-dozen at a time, for an office of this kind, but would submit themselves to their ecclesiastical superior, and no one would present himself save with the sanction and approval of such superior?—Exactly.

326. But if there was anything objectionable in the person so submitting himself to the magistrates, although he had the sanction of his bishop, the magistrates would have the power of rejecting him?—Yes, certainly.

327. With regard to the matron, you told the Committee that you saw the matron addressing the prisoners, but could not hear what she said?—Yes.

328. Now, after that, did you find your authority

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rity in any degree weakened by this conduct on the part of the matron?—No, I think not; it caused a great spirit of indignation amongst the prisoners, but it acted rather favourably as far as I was concerned.

329. You did not find any great indisposition to receive your ministrations afterwards?—No, I think not.

330. With regard to the instructions of the schoolmistress, have you had any reason to complain of those instructions bordering at all upon proselytism?—No; I think the schoolmistress acts very fairly.

331. As a matter of fact, is not all the ministration given to the class of persons confined as prisoners, of such an elementary character that really controversial points are unlikely to arise?—They are the most uneducated class; and I should mention that the Protestant mistress reads the Catholic Bible to the women at certain times.

332. You stated to the Committee that you were not treated with courtesy; have you any specific charge to make upon this point?—What I felt very much with reference to this particular matter was, the frequent removal of the particular officer whose duty it was to wait upon me, without previous notice being given to me.

333. Who do you mean by the officer waiting upon you?—The sub-warder who waited upon me was frequently changed, much to my annoyance; whereas the warders who waited upon the Protestant minister were fixed.

334. You had no control over, and no voice in the appointment of the warder who waited upon you?—No, I had not.

335. Now with regard to the laundry question, in publishing the letter which you were accessory to publishing in the "Pall Mall Gazette," had you any intention of casting a slur upon the magisterial body?—None whatever. I should have applied to the court of quarter sessions, had I expected to be able to do so with any hope of success; but knowing the spirit that has often been shown in that court, I had no hope whatever of finding redress; the language made use of in that court sometimes was very offensive.

336. Had you any reason to believe that the resolution so sent to you was intended to be confidential?—No; I looked upon that resolution just as I did upon any other resolution which I have received from the visiting justices.

337. Did that resolution state the reason for a certain thing being done, or not being done?—The resolution stated that I was suspected of publishing the letter, as the contents of it had not been communicated to any one else; and therefore, under those circumstances, they withdrew the permission I had of visiting the prison, allowing me to continue my ministrations up to a certain date, in order that the prisoners might not be inconvenienced.

338. That was not the resolution that was published in the papers, was it?—That is one of the resolutions; the resolution was to this effect, requiring to know from me how it was that the resolution contained in their letter had got into print.

339. Which was that resolution that had got into print?—The resolution was to this effect: I wrote to them to beg of them to alter the arrangements of the prison, as I have stated; and I suggested that they might, for instance, exclude all Irish women from the laundry, so that when they came in a second time the inducement for entering themselves as Protestants would no longer be held out to them. The visiting justices wrote back to me, stating that they saw no reason to alter the present arrangements of the prison, and that was the letter I published.

340. You are quite confident that amongst the prisoners the laundry and kitchen work was considered more pleasant than any other work?—Yes.

341. So that without imputing proselytizing objects to the prison authorities, you consider that the difference which was made was one which would create a painful feeling, and one which was very undesirable?—Yes.

342. And one that you wished to get remedied?—Yes.

343. You did not succeed by private application, I believe?—No, I did not.

344. And you thought that by bringing public opinion to bear upon the matter you might succeed?—Yes.

345. If you had been told that such a publication would have been considered a breach of discipline, you would not have done it?—I would not have done it if the letter had been marked "private" or "confidential."

346. But the letter was not so marked?—No.

347. Did you ever come into personal contact with the matron, or have a personal dispute with her?—No, never.

348. In fact, from the year 1867 you gradually found a spirit prevailing among the magistrates of willingness to give you greater relaxation, and greater facilities for performing your duties?—Yes.

349. Have you ever had any complaints from Catholic prisoners that they could not attend Divine service after you had this room given to you?—Yes, a number of prisoners complained that they were not allowed to attend.

350. Did they give you any reason why they were not allowed to attend?—No, I understood the reason perfectly well; a warder was stationed near the chapel to admit as many as the chapel would hold, and to have the others taken back to their cells.

351. You do not mean to say that there was any other reason for their not being admitted, except that there was not room?—That was the only reason.

352. You found a practical inconvenience from not having a room large enough to hold the whole number?—Yes, certainly I did.

353. Have you any other complaint to make of the authorities of the prison, with regard to the interference with our religious ministration?—No.

354. You felt placed at a disadvantage as compared with the Protestant minister; did you receive courtesy from him?—Yes; I have nothing to complain of with regard to the Protestant chaplain.

355. You simply felt that the comparison of the prisoners of one religion having a paid minister, with the others being left to the voluntary system, was not a fair state of things?—That was so.

356. Mr. *Synan.*] You stated to the Committee that the conduct of the matron upon that occasion had not the effect of weakening your authority upon your people?—I think not.

357. Do you mean to extend that observation to those who wished to be in the kitchen, or whom

iom you supposed to be induced to retain the nefit of the kitchen, by the conduct of the atron?—The conduct of the matron excited a eling of indignation.

358. Did it excite a feeling of indignation iongst the prisoners in the laundry and kitchen, well as those who were not in the laundry and tchen?—It excited indignation amongst those io heard the address; it was a Sunday, so that ere would not have been any of them in the indry.

359. Were all the prisoners present when the atron addressed them, both those who belonged the kitchen and laundry, as well as those who l not?—Yes; she addressed them in two or ee places; there were not all of them in the rd at the time.

360. Sir *John Pakington.*] I think you stated at you combined with your duties in this prison ne other professional duties, did you not?—s, I did.

361. What were those other duties?—The ty of attending to a large parish, in which there about 5,000 souls.

362. You performed that duty as a Roman tholic minister, did you not?—Yes.

363. And for that duty I suppose you received nuneration?—Of course I did; but at the ne time I could not attend to those people as y ought to have been attended to.

364. Was your remuneration for your paroal duties increased in consideration of your ending to the Roman Catholics in the prison? No.

365. Did you find that your duties in Tothill lds Prison seriously interfered with your pahial duties?—Yes, I did.

366. *Chairman.*] Is it not the case that there a larger number of clergymen in your parish, consequence of the occupation of your time in prison?—Yes, there were.

367. Mr. *Synan.*] In your opinion would the vices of one chaplain be necessary for the 220 tholic prisoners in Tothill-fields Prison?—s, most decidedly; and I think the county es would be considerably diminished by the ointment of such a minister.

368. *Chairman.*] Would the appointment of h a minister have the effect of reforming the soners, and preventing their re-committal, and reby diminishing the burthen upon the rate-ers of supporting crime?—Certainly it would.

369. Mr. *Fowler.*] Did I understand you to e, that you had the charge of 5,000 members a Roman Catholic church?—I am one of three sts who have charge of the parish.

370. You stated just now, in answer to an ourable Member opposite, that you considered t one Roman Catholic clergyman is required for the 300 prisoners or thereabouts in the Tothill-fields Prison; how is it that if one clergyman is required for the 240 prisoners (for the sake of argument we will say 300 prisoners) in the prison to which you refer, the church considers that three clergymen are sufficient for the 5,000 people in the parish?—The reason for that is simply this, that one class is far more destitute than the other; one class is more ignorant, and requires far greater efforts to be made by the priests; my firm conviction is, from what I know of the state of these prisoners, that a clergyman could give the whole of his time to them, and that the whole of his time would be required for the reformation of these people.

371. *Chairman.*] The prison duties are heavier than the outside duties, are they not?—Certainly.

372. Mr. *Synan.*] Are not the services of a Roman Catholic clergyman, in relation to his community, more minute than those of a Protestant clergyman?—Much more so.

373. And with respect to the number in the same prison, would not a priest with 300 Roman Catholics to minister to, find as much employment as would be given by 400 Protestants?—Yes, in consequence of the nature of the Roman Catholic religion; there is instruction for confession and communion, and all the particulars in preparing for the services.

374. But supposing there were 300 of your communion and 400 Protestants in Tothill-fields Prison, would not the 300 require the services of a clergyman and occupy his time just as much as the 400 Protestants?—Yes, just as much.

375. Sir *John Pakington.*] Do I rightly understand you to state that, upon the whole, if you had been properly remunerated for your services in the prison, and had been able to devote your whole time to those duties, you would have performed those duties in a much more satisfactory manner to yourself than you were able to do?—Yes, certainly.

376. Lord *Henley.*] With reference to the nature of the distinctive teaching, your answer just now almost gave me to understand that the instruction which was given in the prisons was so elementary that there was scarcely any distinctive teaching between Catholic and Protestant; that is not so, I believe?—No, of course not; first of all there are the general points of Christianity, the great truths believed in by the Protestants and the Roman Catholics, and then the particular truths, Catholic, which I call also elementary.

377. And on these points there would, of course, be considerable distinction between the truths taught by persons of the Roman Catholic persuasion, and those taught by Protestants?—Certainly.

The Reverend VINCENT BOND, called in; and Examined.

378. *Chairman.*] YOU are the successor to Reverend Mr. White, are you not?—I am.

379. You are a member of a religious order, I ieve?—I am a member of a religious order.

380. What order is that?—The order of the uits.

381. What is the average attendance, both ekly and on Sunday, that you give to that ll?—On the average, I spend between two a half and three hours every day. On conion days, which are Fridays and Saturdays, I frequently spend three full hours; sometimes I have spent a longer time.

382. Three hours per day per week is the average for week days, is it not?—I would say the average is two and a half hours, and on those two days, Fridays and Saturdays, I may call it three hours. On Sunday mornings, I attend from 9 o'clock till half-past 10, and in the evening from 3 till 4.

383. Do you receive any pay?—None whatever.

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384. Do you consider that the receipt of pay, in placing you in the position of one of the recognised officers of the establishment, would give you a better position in the prison?—Certainly it would.

385. Will you just explain to the Committee what are your views with regard to that?—When the officers of the prison see a Catholic priest without any status, or a penny of salary, they naturally would not pay him that deference and respect to which his position gives him a claim, and which is never wanting to the Protestant clergyman.

386. Do your duties in the prison interfere materially with your parochial duties?—They do very materially; I give the better part of every day of the week to the poor prisoners in Tothill-fields; after that, frequently I am unable to do any more work for the rest of the day.

387. Why is that?—Because I am so fatigued.

388. What is the reason of that; is it because the work in the prison is so laborious?—Yes; for there is so much to be done for each individual prisoner.

389. Have you anything to complain of as regards the atmosphere of the prison?—No; I have nothing to complain of as regards the atmosphere of the chapel. I found it at first very inconvenient for two or three Sundays, but that was perhaps because I had never been in a prison before; I have no fault now to find with it.

390. Your work is so heavy, from its nature, that when you come out you are unable to prosecute your missionary duties?—I am unable to perform them with that zeal and efficiency that I otherwise should.

391. Do you agree with Mr. White, that you are to a certain extent more or less a burden upon your brother clergymen?—Certainly.

392. That you are unable to give them that fair assistance to which they are entitled?—Yes.

393. Is it possible that a Roman Catholic can attend, without commission of wrong, to the ministrations of a Protestant clergyman?—I do not understand the question.

394. First of all, do you know that Wesleyans and Baptists may attend to the religious ministrations of the Church of England without sacrificing their principles?—Yes, I do.

395. But it is not possible for a Roman Catholic to attend to the ministrations of anyone but members of his own community?—Certainly that is quite impossible; it would be looked upon as a sort of apostacy.

396. There are a considerable number of Roman Catholics in this gaol, are there not?—Yes, there are.

397. But is there not a very large poor Catholic population in the district?—Very large indeed.

398. Those are the very poorest class, are they not?—Yes.

399. Are they not then those who would be most liable to temptation?—Yes, they are.

400. They rob and get drunk; is not that the general character of the offences committed?—Yes.

401. Are they not rather minor offences than dark and terrible offences?—Certainly, as far as my experience goes.

402. You yourself have nothing to complain of with reference to the authorities of the prison, except that they do not give you that position to which you consider you are entitled?—I have nothing to complain of, save that I, as a Catholic priest, am not upon an equal footing with the Protestant clergyman.

403. And you think that in a free country you have a right to be so?—Yes.

404. Roman Catholics contribute towards the taxes, do they not?—Yes, they pay their share of the rates out of which the prison authorities meet all expenses, and therefore I do not see why those of the Roman Catholic priest should not be included.

405. If you were a salaried officer, and could devote your entire time to attendance in the prison, would not such an arrangement be very much better for those people than the present state of things?—I should think so, certainly.

406. You would then devote a larger portion of your time than you do at present?—Yes; if the regulations of the prison would permit it.

407. Sir *John Pakington.*] I collect from your evidence that you have nothing to complain of now with respect to your position as Roman Catholic minister in the Tothill Fields Prison, except that your status as chaplain is not distinctly recognised, and that your services are not remunerated?—That is so.

408. Mr. *Dimsdale.*] I wish to ask you a question with reference to the size of the chapel; are you of opinion that the chapel is too small for the requirements of the Catholic prisoners?—My impresssion is that the chapel is considered to hold, and I believe it has held some times, 170; that is as many as it will hold, and of course we know that there are more than 170 Catholic prisoners, so that there must always be some excluded; I think we have had as many as 220 in the prison; the last returns give that figure, therefore I presume there must be many Catholic prisoners who are unable to attend service in the chapel.

409. You might strike a per-centage off the number?—I could not say at all how many there would be that would not be able to attend; perhaps 20.

410. Mr. *Synan.*] You told the Committee that the labour of the prison made you encroach upon the services of your brother clergymen and necessitated your being a burden upon them—Yes; that is so.

411. Does not the labour of the prison encroach upon the services which your people naturally expect from you as a missionary priest?—Certainly.

412. So that the people suffer as well as your brother clergymen?—Yes; certainly they do.

413. Are you not supported by the voluntary contributions of those people?—I am.

414. Consequently, if you received a salary you need not press upon these voluntary contributions so much as it is necessary for you to press upon them now?—No.

415. Mr. *Guest.*] You speak of your parochial duties; do you hold the same parish that Mr. White held?—Yes, the same parish; St. Mary's Westminster.

416. Is it an understood thing that whoever is chaplain at the House of Correction at Westminster, is also the chaplain to the parish?—That, I believe, is the present arrangement.

417. Mr. *Fowler.*] Are there still three clergymen to the 5,000 population in St. Mary's?—Yes, as in Mr. White's time.

418. Lord *Henley.*] Were you present in the room during Mr. White's evidence?—Yes, I was.

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419. And you heard the evidence he gave relative to the conduct of the matron upon the 12th April 1868?—Yes, I heard what was said.

420. Have you come into collision with the authorities of the prison in any similar manner?—No, I have not; I had not the same obstacles to surmount.

421. Do you agree with Mr. White with reference to the difficulties of proselytising upon your part?—Quite so; it would be impossible.

422. The prisoners are supposed to be of one communion or the other when they come into the prison, and they are supposed to remain so?—That is so.

423. So that there is no power of proselytising given you?—None whatever.

424. Mr. *Downing.*] Supposing you had an opportunity of proselytising, would you as a Roman Catholic priest consider yourself justified in taking advantage of it?—I should not think of it for a moment.

425. Mr. *Knatchbull-Hugessen.*] Still the Protestant clergyman has an opportunity of doing so if he wishes?—Yes; I am told that all the prisoners pass through his hands; that is one of the things I complain of; it is open to great abuse.

426. Have you made any application with regard to salary?—I thought it was simply useless, and I did not apply.

427. But your not having done so does not imply contentment with your present position?—By no means.

428. Do you agree with what Mr. White has said, about the laundry and kitchen being employment particularly desired by the female prisoners?—As far as I know, it is so.

429. You have no knowledge of females having entered themselves upon the register as Protestants, in order to come within the range of those employed in the laundry and kitchen?—The fact does not come within my experience.

430. Lord *Henley.*] I want to ask you with reference to the Protestant chaplain having all the prisoners passing through his hands, which I describe as an abuse; will you describe to the Committee in what way they come under his hands?—I am not in a position to know what passes between the Protestant clergyman and the prisoners; I merely know the fact that they do pass through his hands; that he sees them on their entering the prison, and that he asks them questions; I am informed that they do not bear directly upon religion; I speak from hearsay.

431. If they declare themselves Catholics, they are not expected to attend any service or administration on the part of the Protestant chaplain?—They are not expected to do so.

432. *Chairman.*] Is it your impression that the Protestant chaplain asks them any questions before they declare what creed they belong to?—I do not know.

433. Mr. *Downing.*] I wish to call your attention to the Act of Parliament, the 5th section of which repeals a former Act, which enabled a minister to visit a prisoner, whatever his religion may have been; that is repealed, and it is said "unless he has not been attended by his own clergyman for 14 days"; now, if you had been absent for 14 days, the Protestant clergyman might then visit the Catholic prisoners?—Quite so.

434. Mr. *O'Reilly.*] Is it the fact that you, and the two other clergymen who have these 5,000 poor Catholics under their charge, are supported by the voluntary contributions of those 5,000?—Yes.

435. And, therefore, am I right in my conclusion, that the salary of the chaplain of the Westminster House of Correction is paid by the poor Catholic population of the parish?—It is paid by the poor Catholic population of the parish; I will not say wholly, for friends help towards the full payment of it; the poor could not pay it all.

436. You are assisted by voluntary subscriptions from the district?—Quite so.

437. Mr. *Dimsdale.*] Are the Roman Catholic prisoners excluded from the laundry?—I think not.

438. Mr. *Holt.*] Do the Committee understand that the 5,000 is the number in the district, or the number of the congregation?—That is the number of the congregation under the priests of St. Mary's.

439. Mr. *Fowler.*] That includes some of the upper classes?—Very few of them indeed.

440. Sir *John Pakington.*] You said something about a question being put by the Protestant chaplain to the Roman Catholic prisoners, and you stated that you had been told certain things; will you inform the Committee who told you?—If that is a fair question I have no difficulty in answering it; it was one of the officers in the prison at Tothill-fields who told me.

441. Is it not a question that you would be at liberty to ask the prisoners themselves?—The fewer questions of this sort put to them the better.

442. Mr. *Guest.*] You say you occupy about two and a half hours each day in the prison?—Yes, I think about that.

443. Do you go at any time of the day, or have you a stated time?—I only go in the morning, on week days.

444. Is that on account of the regulations?—No; it has not been the custom to go at any other time.

445. You do not find that the prisoners are employed so that you cannot gain access to them?—I do not think they are ever so employed.

446. Mr. *Synan.*] With respect to the laundry which you have been asked about, is it not a more favourable service than any other service in the prison?—I believe it is considered in that light.

447. With respect to the Protestant chaplain; has the Protestant chaplain access to the prisoners on their entrance?—I am told that he has.

Captain DONATUS O'BRIEN, called in; and Examined.

448. Mr. *Dimsdale.*] YOU have been for some time Chairman of the Visiting Justices of this prison at Westminster, I believe?—This is my second year of chairmanship.

449. Will you inform the Committee what is the number of sittings in the Roman Catholic chapel?—It has been stated that there are 150; there have been as many as 176 prisoners seated at one time, but in ordinary circumstances 150 would not be found an inconvenient number.

450. Could the chapel hold more than 150?—Not very conveniently; much depends upon the

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weather; complaints have been made in very hot weather of its being overcrowded.

451. What is the number of Roman Catholics in the prison at the present time?—According to the last return, the number of Roman Catholic prisoners in the prison was 178; that was the return made on the 26th of March; on the 19th of March, the previous week, there were 179; in the previous week to that, namely, the 12th of March, there were 166; in the week previous to that again there were 169, and in the previous week to that there were 161; they rather augment as I go back.

452. What is the number of Roman Catholic warders?—Six.

453. Are those specially apportioned to that part of the prison in which the Roman Catholic prisoners are confined?—Yes.

454. What are the present regulations with regard to the laundry?—Roman Catholics and Protestants are employed there without any reference to their religious persuasions.

455. And since when has that regulation been in force?—If I recollect rightly, since the end of July last year.

456. Was that in consequence of Mr. White's remonstrances?—It followed Mr. White's remonstrances.

457. At what period were the regulations set on foot that the Roman Catholics should be excluded from the laundry?—I cannot give you the date.

458. And you cannot tell for what reason that regulation was originally made?—The regulation was made because it was found to be very inconvenient to take the Catholics from the laundry at different times, for their religious services. But in order that there should be compensation to certain of the Catholic prisoners for their being taken away from the laundry, which they considered a boon, it was thought desirable that they should be employed in the garden instead; and therefore they were permitted to be employed in weeding, hoeing, digging a little, and so forth, of course under proper surveillance; and that was considered by them, and by the visiting justices, as a certain compensation for their being taken away from the laundry.

459. Is the laundry much preferred by the prisoners?—Throughout all prisons, the laundry is preferred to other occupations.

460. What books are supplied to the Roman Catholic prisoners?—They have in their cells the "Guardian of the Soul," or prayer-book; sometimes it is called one, and sometimes the other. They have the "Douay" Testament, and in addition there are the "Lives of the Saints," and I think some other books, which are given to them by the priest at his discretion; the "Guardian of the Soul" and the Testament are always in the cell; the other books are given, of course, as the prisoners desire them. The prisoners are very ignorant; many cannot read, and in those cases it would be absurd to give them the "Lives of the Saints," or books of any description.

461. Is any singing, or anything in the shape of a musical service permitted in the Roman Catholic service at the prison?—Yes; not very long ago a request was made by the priest that he should have a female warder told off for him to lead the choir, and to assist in leading the Catholic services; and inasmuch as in the Protestant chapel there is an officer who performs a similar service, the visiting justices thought i was only due to Mr. Bond to grant his request.

462. With regard to the instruction in th school, are the Roman Catholics taught there a well as the Protestants?—The instruction in th prison is of a very secular character, as well a of a religious character; secular instruction i given by the schoolmistress, who is a Protestant but when she has the Catholics together, no Pro testants are present. She gives them secula instruction only, teaching them to read and spell and so on; but all religious instruction is give by the clergymen of the two persuasions.

463. By the Protestant and the Roman Ca tholic clergymen?—By the Protestant and Ro man Catholic clergymen. The Protestant clergy man sees a number of prisoners individually about 30 per day, in a room fitted for that pur pose; the priest sees about 25 per day in room set apart for that purpose underneath th chapel, and into which opens his own particula room, where there is the confessional, and hi desk, and what he thinks necessary for the carry ing on of his duties.

464. Were you visiting justice in Augus 1867?—Yes.

465. Do you recollect the fact of Mr. Whit remonstrating with the visiting justices becaus the Roman Catholics were only instructed indi vidually, and not 25 or 30 at a time?—Yes, tha was so.

466. And what was the ground on which hi application was refused?—The exact particula have at this moment escaped my memory.

467. You are not aware that it was in conse quence of an opinion which had been obtaine from Sir Fitzroy Kelly and Mr. (now Sir) Joh Hannen?—Yes; and on a future occasion I wi give the fullest information to the Committee o the subject.

468. Now will you go to the month of Januar 1868; I believe that Mr. White applied for schoolmistress to teach the Roman Catholic pri soners?—No, not then; what he applied for w a person to visit the cells, not a schoolmistres somebody of the nature of a Bible woman; th was his intention. The word "schoolmistress was not made use of in his letter. The applic tion made by him was reasonably stated in h evidence; it was not for a schoolmistress, b for a person whose duty it should be to go fro cell to cell, as a sort of Bible woman, to read to t prisoners, and nothing else. But inasmuch there was no such person allowed under the pris rules for the Protestant prisoners, the magistrat did not think it desirable to allow one for t Catholic prisoners.

469. An application was refused, I think, two Protestant ladies to visit the prison in 186 —Yes, it was.

470. And upon that ground you refused similar application from a Roman Catholic la in 1867?—Yes; soon after the Prisons Act w passed the question came before the Commit of Visiting Justices as to admitting lady visito The opinion of Judge Hannen (then Mr. Ha nen) was taken upon the subject, and he gave as his opinion that it was not within our pow to allow it; nevertheless as there had been so ladies in the habit of visiting the prison for so time before, it was thought desirable that th visits should not be discontinued; accordingl resolution was passed prospectively. If the Co mittee wish it I will read Mr. Hannen's opini

471. W

471. What is the date of it?—The 21st of pril 1866: "The clerk laid before the visiting stices the case which, in pursuance of the re-lution of the 7th instant, had been submitted Mr. Hannen on the question: Whether the siting justices have a discretionary power to rmit ladies to visit the female prisoners for the rpose of giving them religious instruction,' gether with Mr. Hannen's opinion thereon, of nich opinion the following is a copy, namely, I am of opinion that the visiting justices have discretionary power to permit ladies to visit e prison and give religious instruction to the isoners. It is the duty of the chaplain to give ligious instruction to the prisoner, and he is ly empowered to appoint some one, with the nsent of the visiting justices, to read portions the Scriptures, when the prisoners are as-mbled for religious instruction; but the in-uction must come from the chaplain himself.' fter a considerable discussion, it was on the otion of Joseph William Thrupp, Esq., seconded Francis Healey, Esq., resolved, that although e opinion of counsel is adverse to the admission ladies to visit the prisoners, yet, with reference seven ladies who have been accustomed to sit the prison, and read to the prisoners, and herwise render them assistance towards their formation, the visiting justices now assembled not advise any alteration to be made in those lies communicating with the prisoners;" since en one of these ladies has almost ceased to ne, the next is dead, the third does not come, ourth comes, and is very useful. The duties of e last lady to whom I have referred are chiefly pying or writing letters for prisoners who are eigners, or translating letters from abroad; I not sure that she does anything else.

472. In consequence of that opinion of Mr. nnen's, you refused an application from the otestants in 1866, and from the Roman tholics in the following year, for permission to it the prison?—Yes, we refused the applica-n of two Protestant ladies, whom I, myself, uld have been very glad to have allowed to ne, and we refused the application of a Catho-lady in the following year.

473. Is any Protestant Scripture reader em-yed at present in the prison?—No.

474. Neither Protestant nor Catholic?—ither the one, nor the other.

475. I believe at a subsequent date you re-ed Mr. White's application for a harmonium? Yes, it was considered undesirable that instru-ntal music should be used in the prison.

476. It was considered undesirable either for otestants or Catholics?—Either for Protestants Catholics.

477. I will now call your attention to the fitting of the chapel; I believe a room was prepared order of the visiting justices, for Roman Ca-llic worship?—The subject was considered y carefully for some time by the justices, and y thought it desirable that there should be a ce properly fitted up for the Roman Catholic vice; it so happened that the prison architect Roman Catholic, and we put him in commu-ation with the priest; his plans were adopted, the place fitted accordingly; it is usually ed the Roman Catholic chapel.

478. What do you think the expense of those ngs would be?—I have at this moment for-ten the exact sum, but if I recollect rightly, I am pretty sure that I am right, we told the 0.60. architect not to exceed 200*l.*; we considered the expenses under two heads; one regarded the fittings of the chapel which we granted, but we refused the other, viz., to supply the priest with or to pay for, those articles said to be necessary to carry on the service, such as the tabernacle, the pix, vestments, candles, and so forth, making a marked difference between those things which he had been in the habit of bringing in for the service before, and that which we ourselves thought it right and proper to provide for his reception.

479. The latter articles necessary for the service he has to provide at his own expense?—We make no inquiry about them; those articles are his property, and he takes them away when he chooses to do so; we have nothing to do with the mode in which he conducts his worship, or with the articles he uses to conduct it.

480. Mr. White applied for the payment of a clerk whom it was necessary to have to help him to perform his services, did he not?—I do not recollect about payment. If Mr. White has said so; I have no doubt Mr. White's statement is correct.

481. But you did not permit him to have this boy in the first instance, but subsequently you did permit him?—Yes.

482. There was some dispute as to the age of the boy, was there not?—There was a question as to age; we did not think that a big boy should be admitted into a prison where there were none but females; and he was refused on account of his his size and age, but afterwards a smaller boy came, and he was admitted.

483. Were you a visiting justice on the 12th April 1868, when the matron was supposed to have made an address to the Roman Catholic prisoners?—No, I do not think I was; I think that at that time I was off, for I have no recollection of the circumstances which have been stated by Mr. White; as to the matron speaking to the prisoners in the yard, she is present, and will tell her own tale.

484. With regard to the laundry question; on 21st August 1869, there was a complaint made by Mr. White respecting the Roman Catholics being excluded from the laundry?—Yes.

485. And the case of two prisoners was brought before you; what answer did you give to it, and upon what grounds?—The whole is set forward in the printed report of the visiting justices for that quarter.

486. Then it has not been the case that the exclusion of the Roman Catholic prisoners from the laundry had a proselytising tendency?—The thing is impossible.

487. And you accepted this clause in the report, "The reason such distinction was adopted was because the Roman Catholic prisoners were frequently absent a portion of the day from their work in the laundry, either at confession or early communion; and the consequent hindrance in the washing caused wrangling between prisoners of different sects, and numerous reports and punishments"?—We accepted that from the matron's report as being the truth.

488. Subsequently there was a dispute with Mr. White, in consequence of which he left?—Yes, there was a difference.

489. Who was appointed Mr. White's successor?—Mr. Bond.

490. Have you had any differences with Mr. Bond?—No; Mr. Bond, as far as the little I

 have

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have seen of him goes, would be a credit to any position in which he might be placed.

491. Mr. *Hutton.*] Those articles for the service were left behind by Mr. White, and are still to be used?—I suppose so; we have made no inquiry about them.

492. Is it right, according to the views of the visiting justices, that articles should be left in the prison, under the charge of the visiting justices, which do not belong to them?—Those articles are not in charge of the visiting justices; we take no notice of them whatever.

493. You simply permit them in the chapel?—We neither permit them nor forbid them; those articles are brought in by the priest, and he does what he likes with them.

494. Mr. *Synan.*] You gave your permission that Mr. White should be appointed chaplain to the prison; did you know that he was to be chaplain to the Roman Catholic prisoners?—He was appointed for that purpose.

495. Did he, as chaplain to the Catholic prisoners, tell you that there were certain essentials, things necessary for the conduct of his religious services?—Yes, he sent in a list of them.

496. And your answer is, that you had nothing to say to the essentials of Catholic worship or Catholic service, and that he might provide them or not, just as he liked?—That was practically the effect of it.

497. And you gave an answer to an honourable Member that he might take them away to-morrow if he liked?—Yes.

498. And leave the Roman Catholic prisoners in your prison without the essentials of Catholic worship?—If he pleased.

499. The justices had nothing to say to the essentials of Catholic worship, or as to providing necessaries for the Catholic service?—Nothing whatever with regard to the articles referred to.

500. Did the chaplain tell you that these were essentials to the performance of his religious service?—I think very likely the word "essential" was made use of in his list.

501. And your answer is, that the visiting justices, as the superintending body over the Roman Catholic prisoners, have nothing to say with reference to these essentials?—Nothing whatever.

502. And those prisoners might provide themselves with them if they thought fit, or not?—The prisoners could not provide them for themselves.

503. Who is to provide them?—The priest might do so, as he does now.

504. It is to be done by voluntary effort upon the part of any benevolent person who likes to do it?—Yes, no doubt.

505. With respect to the clerk, was the application for that clerk in writing?—It was.

506. Will you read the letter?—"12, Earl-street, Westminster, March 14th. Gentlemen. I write to inform you, that a clerk will be required for the Sunday service of the Roman Catholic prisoners in the Westminster House of Correction. With your sanction, therefore, I will appoint a boy to act in that capacity, and will instruct him to wait upon you for your approval of him. As singing forms an essential part of our service, I have asked the Honourable Mrs. A. Ellis to act as organist. This lady has kindly consented so to do, and will be happy to wait upon you, if you think it expedient that she should do so. I have the honour, gentlemen, to be your obedient servant, Alfred White."

507. Was the refusal in writing?—The minute is as follows: "In reference to the above application made by the Reverend Alfred White, the visiting justices, having considered all the circumstances bearing on the subject, feel themselves constrained to refuse both the requests."

508. Do you keep a record of the refusals?—We keep a record of all the letters we send, and of all those we receive.

509. Did the letter to Mr. White state that you refused his application on account of the size of the boy?—That I cannot tell you.

510. You can produce that letter?—The answer to his letter shall be forthcoming.

511. You state now, that that was the reason in the minds of the justices?—Yes.

512. You do not know the expense of the fittings up, but I understand you to say that you gave orders to this architect that they should not exceed 200*l.*?—That is my impression.

513. So that the actual expenditure might be much less than that sum, might it not?—No; it turned out to be more, because after the fittings had been completed, the architect sent in a bill of some 15*l.*, which was over and above the money that the magistrates at first agreed to pay for the construction of the chapel.

514. So that it might have exceeded 200*l.*?—Yes, it might.

515. You got an opinion, on the 21st of April 1866, from Mr. (now Judge) Hannen, that it was contrary to the Act of Parliament to allow ladies to visit the prisoners?—Yes, we did.

516. You had seven ladies previously visiting?—Yes.

517. And you allowed them to continue their visits?—We did.

518. Do you consider that a violation of that opinion?—I can only state the facts.

519. But you told the Committee that your principle, and that of the justices, was to administer equity in the prison between Protestant and Catholic, and that having refused two Protestant ladies permission to visit, you placed the Roman Catholics on the same level, by refusing them; were not there seven Protestant ladies visiting at the time?—Yes.

520. And did they continue to visit?—Yes.

521. How long did the seven ladies, or any of them, continue to visit?—There are two of them continuing to visit now.

522. You told the Committee that there was an application made to you by Mr. White in 1868 for a schoolmistress, and you stated that you considered that she was to be a Bible reader?—Yes.

523. Whether she was to be one or the other there was an application made?—Yes, as Mr. White has stated.

524. The application was refused, I believe?—The application was refused.

525. Was that application in writing?—Yes.

526. By letter?—Yes.

527. And there is a record of it?—Yes, the letter is as follows: "The Rev. A. White presents his compliments to the visiting justices of the Westminster House of Correction, and would feel obliged if they would appoint 'Scripture reader' for the benefit of the Roman Catholic prisoners. As great numbers of these unfortunate Irish women cannot read, such a measure as the appointment of a Scripture reader would be of the greatest service to them, and tend much to their reformation."

528. W

528 Was the refusal made by letter?—Yes, was.

529. And there is a record of it?—Yes, the inute of the justices is as follows: "It was re-olved that Mr. White be informed that the oman Catholic prisoners have the same advan-ages as the Protestant prisoners, and therefore he visiting justices do not deem it advisable to omply with his request."

530. Now, you state that having refused in 868 the application made by Mr. White for a choolmistress or reader for these Roman Catho-cs, you allow by the present rules the Protes-ant schoolmistress to teach the Roman Catholics s well as the Protestant inmates, in that prison? -Yes, but separately.

531. You of course do not know what that Protestant teacher taught the Catholic inmates? -So far as I am informed, she confines herself o secular instruction, and gives no religious in-ruction.

532. But you do not know whether those in-tructions were carried out or not?—No, I do ot, beyond what I am told.

533. With respect to this correspondence, will ou inform the Committee of the resolution of he 21st of August 1869, to which that letter efers? —I have the minutes of the 21st of Au-ust 1869.

534. Have you the resolution that Mr. White, his letter of that date, refers to?—Yes; it is s follows: "Resolved, that a reply in the fol-wing form, enclosing a copy of the matron's eport of the 31st of July last, be sent to the ev. Alfred White," and then comes the letter hich is before you in print.

535. Now, by his letter of the 21st August 869, Mr. White makes a complaint of a specific ct, namely, that one of his people, called Mary lorgan, who was lying dangerously ill, and who ad entered herself as a Protestant, stated to m, on his ministration, that she had entered erself as a Protestant; and that another person, amed Margaret Parker, who is now in Brixton, ad also done so, in the hope of being employed the prison laundry, as Catholic prisoners were cluded from that place; your resolution does t refer to that specific complaint, does it?— o.

536. And the matron's report does not refer that specific complaint, with reference to ether Mary Morgan was entered as a Pro-stant, and whether she was or was not em-oyed in the laundry, if so entered, because she as really a Catholic?—It does not refer to it. will explain the facts with reference to Mary Morgan. They were these: when she came in-the prison for the first time (I cannot give you e date), she stated herself to be a Protestant. ot very long afterwards she was taken seriously , and sent to the infirmary, where she was sited, as a Protestant, by the chaplain, Mr. ine. As I understand, she told Mr. Hine at she was a Catholic, and that she had called rself a Protestant because she did not like ing sent to Parkhurst, in the Isle of Wight, here Roman Catholic convicts had been sent. communication was at once made to Mr. White, d from what Mr. White has said, she told n that she entered herself as a Protestant for e purpose of being put into the laundry. From at time forward she was treated as a Catholic. hat was what was reported to me.

537. Was the history of Margaret Parker similar to that of Mary Morgan?—I have for-gotten her history.

538. Lord *Henley.*] I wish to ask you a ques-tion as to the custom of the prison with respect to the Protestant chaplain seeing the Roman Ca-tholic prisoners, which we are told he does, on their first arrival in the prison; is that the case? —Every prisoner is seen by the chaplain, and when the chaplain is told by the prisoner that she is a Catholic, he ceases to have anything to say to her.

539. There is no sort of religious communica-tion going on between them, I believe?—None whatever.

540. Mr. *Fowler.*] I think I understand you to say that the chapel at which the Roman Ca-tholic minister performs service is large enough for the average number of Roman Catholic pri-soners in the prison?—Yes, I consider it to be so.

541. There may have been cases when the prison was exceptionally full, when it would have been unable to accommodate them, but as a rule it is large enough?—In this book which I have brought with me, appears the number of Catholic prisoners weekly in the prison; of these there is a per-centage (I do not think I am wrong when I say about 10 per cent.) who are on the sick-list, or who are under punishment, or for other reasons are not allowed or able to go to the Roman Ca-tholic place of worship. Upon these grounds, after having considered the subject very fully with my colleagues, we came to the conclusion that the accommodation which the Roman Ca-tholic place of worship would afford was sufficient to meet the average necessities of the case.

542. In the Return which has been presented to the House of Commons, I see that on the 20th of July last year there were 220 Roman Catholic prisoners; that was, I presume, a very excep-tional number?—Yes, that was a very large and exceptional number. The number of Roman Catholics was about 220, but at that time we were unusually full of prisoners.

543. But, on the average, the chapel is suffi-ciently large to accommodate all who wish to attend?—I think so; I say distinctly that it was with the intention of accommodating all those who might attend that it was constructed.

544. Viscount *Enfield.*] Is there a Bible wo-man or a Scripture reader in the Westminster Prison?—There is neither.

545. The propriety of having an additional schoolmistress was once discussed, was it not?— I remember the subject being discussed at one of our committee meetings.

546. But it came to no actual resolution; no action was taken upon it, I believe?—No.

547. Mr. *Downing.*] I think you stated to the Committee that in each of the cells of the Ro-man Catholic prisoners there was a "Garden of the Soul," and a "Douay Bible;" have those books been paid for out of the county rates?— Yes, they have.

548. Will you be good enough to read the application that was made on behalf of the Ro-man Catholic lady for permission to attend the prison?—Yes; it is dated 5th April 1867.

549. Who made that application? — Lord Enfield, and an answer was written by the clerk, quoting the opinion of Mr. Hannen. Lord Enfield's letter was as follows: "5th April 1867: Gentlemen, I have been requested by a Roman Catholic Lady, * * * to ask your permission for her to visit the Roman Catholic

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female prisoners at the House of Correction at Westminster, in company with" (another lady), "on whatever days and at such hours as may be consistent with the rules and regulations of the prison in question. I have the honour to be, gentlemen, your obedient servant, Enfield."

550. What was the answer Lord Enfield received?—"The visiting justices having taken into consideration the application contained in Lord Enfield's letter, it was resolved that a letter in reply be addressed to his Lordship as follows, namely:—'8th April 1867. My Lord, I am directed by the committee of visitors of the House of Correction at Westminster, to acknowledge the receipt of your Lordship's letter of the 5th instant, asking permission for' (two ladies) 'to visit the Roman Catholic female prisoners there, and, in reply thereto, to inform you that the committee are not able to give the permission your Lordship has applied for. The subject of the admission of ladies to visit the prisoners was very fully considered by the committee about a year since, and the opinion of Mr. Hannen, the counsel of the Home Office, was obtained to ascertain whether the committee were justified by the Prison Act, 1865, to allow of such visits. That opinion was so decided, that although the committee did not deem it right to revoke the permission under which some ladies had for many years visited the prison, yet they were obliged to decline acceding to two new requests, similar to that now made by your Lordship. I have the honour to be, my Lord, your Lordship's most obedient servant, Charles P. Allen.'"

551. At that time were the seven ladies you mention visiting the prison?—They were on the prison list, and, more or less, attended.

552. One lady is dead since then, is she not?—I think so.

553. Mr. *Knatchbull-Hugessen.*] Have you got a list of the things which the Roman Catholic minister stated to you were essential for the conduct of Catholic worship?—I have not, but I think I could procure it for you.

554. You drew a broad line between the things you thought fair and desirable, and the things you thought it was not desirable that the county should pay for?—We did.

555. Was the Protestant chaplain to provide anything out of his own pocket for the ministrations of his religion?—Nothing.

556. Was the garden work which you say was given as compensation for the loss of the laundry work, considered as such by the Catholic prisoners?—I was given to understand that such was the case.

557. Does your experience prove that that was a mistaken notion?—I am not aware that it was so.

558. But you have come to the conclusion that the laundry is considered a very desirable species of employment?—Throughout all the prisons in the country, laundry work is considered to be preferable to other employments.

559. Was that known to you at the time when the Catholic prisoners were not allowed to participate in the enjoyment of the laundry?—It was so patent that there could be no mistake about it; having been so long connected with prisons as I have, I can tell you that throughout the country laundry work is considered to be a privilege.

560. Therefore, it was taking away a privilege not to allow them to work in the laundry?—Yes, but compensating them in a measure, by allowing them to work in the garden.

561. When the justices came to the conclusion that that was not adequate compensation, they removed the prohibition, and allowed the Roman Catholics to work in the laundry?—No, they yielded to the desire of the Roman Catholic priest; as far as my memory serves me, it was done because it was his strong wish that we, as justices, should do that which he considered right towards his flock.

562. The justices yielded to the request of the Catholic priest, and then turned the Catholic priest out for making the request; was not that so?—By no means; certainly not. The one had nothing whatever to do with the other.

563. Was it not the case that Mr. White was turned out for having made known to the public that his requests had been refused?—The honourable gentleman will see the broad difference between the two circumstances.

564. I want to follow that up; he was dismissed for having made known to the public that his request had been refused?—Permission to attend was withdrawn; it is the same thing.

565. Was there any intimation given to Mr White when that resolution of the justices was sent to him, that it was a confidential communication?—No.

566. Had he, on the face of it, any reason to suppose that the visiting justices of Middlesex having come to a decision which he considered important to his co-religionists who are unhappily in prison, would object to their decision being made public?—No; there was no intention of concealment, and no idea of making it a confidential communication to Mr. White.

567. You did not consider him an officer of the prison, did you?—He was in that anomalous position, that some might consider him an officer and some might not; it would entirely depend upon what view might be taken of his position. I do not think that in the ordinary acceptation of the term he could be called an officer; that is to say, in my own experience I have never found a person in his position who was called an officer; it was an unusual and an exceptional position.

568. Mr. White was not wrong in considering himself not to be an officer?—He was, I think, right.

569. If he had been a salaried officer of the prison, he might have naturally supposed a communication from the prison authorities to be a confidential communication?—That I cannot speak to.

570. I will put the question in another form: if a gentleman connected as Mr. White was with the prison, not considering himself an officer, received a communication such as Mr. White received from the visiting justices, would it be unreasonable that he should suppose, not being an officer, that it was not a confidential communication, but one which he was at liberty to make public?—Irrespective of whether it was a confidential communication or not, it was considered by the justices so wrong in him to communicate to the public press what they had told him, that they considered it impossible they could work together, and that they must therefore dispense with his attendance.

571. You have stated to the Committee that one reason for refusing a Bible woman to Mr White was, that as there was no one for the Protestant

Protestant prisoners, it was undesirable to appoint one for the Roman Catholics; do you think that the Protestant prisoners would have felt aggrieved if they had appointed one for the Roman Catholics?—The visiting justices do not take into consideration what the Protestant prisoners might think upon the subject.

572. Did the converse of this argument, as applied to the case of the chaplains, strike the visiting justices, namely, that as there was a separate chaplain appointed for the Protestants, it was desirable that there should be one for the Roman Catholics?—It is impossible for me to say what struck the visiting justices; if I was asked the question as a private individual giving his evidence, I should be able to answer your question, but I cannot answer for the justices.

573. You stated that the visiting justices did not consider it necessary to appoint a Roman Catholic reader, inasmuch as there was no Protestant one. I want to know whether it was upon the same or upon what grounds you considered the appointment of a salaried chaplain?—I cannot answer that question.

574. I may take it that you have no complaints to make with regard to the Protestant schoolmistress?—I have never heard of any.

575. With regard to the laundry question, however it may have affected the minds of the Roman Catholic prisoners, there was no intention of proselytising on the part of the visiting justices?—None at all; proselytising by such means in a prison is impossible.

576. Are you aware of there having been any crowd in the Roman Catholic chapel, or of prisoners finding any difficulty in obtaining accommodation there?—I have heard no complaints lately, although I have made inquiries.

577. Although evidence has been given that prisoners have been unable to obtain seats, that has not been officially brought before you?—Not lately. I should add what I do not think has been stated before, that on the Sundays, when there are two services, those prisoners who might be omitted from the morning service, would be taken to chapel for the afternoon service.

578. Who settles who are to go in the morning and who are to go in the afternoon?—The matron.

579. Is the same matron there now who was there in 1866?—Yes.

580. Was there any complaint made to you of the matron's address to the prisoners?—I do not know anything of that circumstance.

581. Are Roman Catholic warders specially told off to attend the Roman Catholic prisoners?—Yes, they are hired for that purpose as Roman Catholics.

582. You have received no complaints (excepting the general complaint relative to there being no salary) from the Roman Catholic priest or from other Roman Catholics, with regard to the administration of their religion, at present?—None whatever. With respect to the matter of payment, I have my own opinion upon the subject, but the visiting justices of Westminster House of Correction have not expressed that opinion.

583. *Chairman.*] You state to the Committee that the matron decides who are to attend the morning Roman Catholic service, and who are to attend the afternoon service; is it known to you that it is a rule of obligation from which they cannot shrink, that Catholics must attend morning service on Sundays?—I am unacquainted with the ceremonies of the Roman Catholic religion.

584. You stated a circumstance which struck me as being very remarkable, you say that the number of prisoners augment as you go back; can you account for that gradual diminution up to the present time; I would ask as to whether you would attribute it in any way to the beneficial ministrations of the chaplain?—Not in the least.

585. What do you attribute that diminution to?—It depends probably more upon the season than upon anything else.

586. The pressure of poverty, I suppose, during certain seasons?—Yes, partly so.

587. Are you strongly in favour of religious instruction for prisoners as a means to their reformation?—I am; but unhappily I have found from my own experience that it is scarcely effective; I question much the reformation of any prisoner of any sort, or either sex, being effected by any kind of religious teaching in prison.

588. Do you mean to say that if carried out to its fullest extent it would have no effect upon the prisoner's future conduct?—Having been connected with every description of prison since the year 1847, I maintain that practically no religious teaching in prison of any sort does affect the conduct of the prisoner when that prisoner goes out; at any rate exceptions to that rule are very rare.

589. Supposing a prisoner comes in ignorant of the truths of Christianity, would you think that grounding that prisoner in the truths of Christianity, and impressing upon him the moral obligations arising from that teaching, would have no effect upon the prisoner's future, when he goes out?—I think that the effect would be very little, and is scarcely to be appreciated, in consequence of the circumstances in which the prisoner is placed when he is released from prison; but on the other hand I should be very sorry indeed if it should be supposed that a person who has had my experience, should for a moment suggest that religious teaching should be done away with.

590. But, practically, you seem to consider that the religious ministrations of the clergyman are really useless, because they are unavailing?—Unhappily they are unavailing after discharge.

591. When you come to consider the whole of the costly apparatus for imparting religious instruction, it is almost a wrong to the ratepayers to provide for it, because it is useless and worthless, is that your opinion?—It is not worthless; it is not a wrong to the ratepayers; it is that which ought to be continued, though it does not produce the effect which one would wish upon discharged prisoners.

592. Why should it be continued?—I think it would be monstrous if you were to deny those prisoners attendance at church, and the ordinary ministrations that are given by clergymen.

593. But if all these are a practical mockery, and bear no fruit, why should you keep them up?—For the reasons I have given; you must give them instruction, you must give them religious teaching, and you must read the Bible to them, though the effect produced may be but very little afterwards.

594. You would continue it then in order to produce that minimum effect?—I would; it is worth while to produce any effect, however small it may be.

595. You

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595. You are in favour of endeavouring to produce as much effect upon the Catholics as upon the Protestants?—Yes.

596. And to put them in a condition of perfect equality with one another?—Yes.

597. Do you not think that all prisoners, as Queen's subjects, whether Catholics, Jews, or whatever may be their creed, should be upon the same level?—Yes, I do; and I am bound to add, my experience is that where you get a Roman Catholic minister doing his duty judiciously in the prison he has greater control over the prisoners than the Protestant clergyman has.

598. Suppose, as in this case, that a number of these poor people come into the prison who have been neglected by their parents, and have fallen into crime from various temptations, and are there instructed in the truths of their religion by the Roman Catholic clergyman, do you not think that that may have a beneficial effect upon the future life of the prisoners?—That is what I question.

599. You question that as applied either to Protestants or Catholics?—Yes.

600. You say that a minimum good result might be produced?—Yes.

601. Ought you not to give the Roman Catholic clergyman the fullest access to the prisoners, and in fact induce him to occupy all his time, to produce something more than the minimum effect?—I would give him the fullest powers as to time and as to attention that he could ask, always provided that the discipline of the prison was carried on; I do not think there can be a doubt about the propriety of that.

602. But at the same time, do you not think that some longer time might be given to the Roman Catholic priest than is given to him, or than he can practically employ at the present moment for the purpose of teaching the Roman Catholic prisoners; I am referring to the House of Correction at Westminster, in the present instance?—I should not stint his time.

603. Then if you do not stint his time, ought not you to pay him?—I have no doubt whatever with respect to paying a Roman Catholic priest.

604. Is it your opinion that priests ought to be appointed on the prison staff, with salaries?—It is; I think that there should be an end put to the question of whether the priest is merely permitted to attend the prison, or whether he as an officer; he ought to be appointed in the usual way, as any other officer on the prison staff is appointed; and he ought to be paid fairly.

605. You consider that he ought to be an officer amenable to the prison authorities, and removable if he commits an offence against the rules?—Yes; he should be subject to all the rules and regulations laid down by the visiting justices, and sanctioned by the Secretary of State.

606. I want to ask you, with reference to one point; the authorities of the prison pay for wine for the Protestant service for communion on the Sunday, do they not?—Yes.

607. Has it come to the knowledge of the visiting justices that in the celebration of the Catholic divine service, wine is essential?—The visiting justices have never entered into that question.

608. Ought they not to enter into that question; do you think it is fair that a priest should not only get none of these necessaries, but should be out of pocket by purchasing them?—I will give you my own opinion; I think that all those articles that are given to the Protestant clergyman should be furnished liberally and freely to the Roman Catholic priest who performs those services.

609. With reference to Mr. Bond and Mr. White, you say you have no complaint to make of Mr. Bond, nor has he any complaint with you, and Mr. White has no complaint either, but is it not the fact that Mr. White's position was different from Mr. Bond's; that Mr. White, from one cause or another, had to undergo a regular uphill fight to procure that state of things which Mr. Bond now enjoys?—I cannot agree to the word "fight;" I am free to admit that he exerted himself honestly, fairly, and conscientiously to obtain certain things, and one by one those things were granted by the magistrates after full consideration and deliberation, and I think I may add, in a liberal and free spirit, as soon as the magistrates thought they were doing right in acceding to his requests.

610. Were you there at the time when Mr. White was only allowed to see one prisoner at a time, and when a cell in the jail was the only place where he could administer the Communion to the Catholic prisoners?—I was not; but I do not hesitate to say that that was a state of things that ought not to have existed.

Thursday, 31st March 1870.

MEMBERS PRESENT:

Mr. Dalrymple.
Mr. Dimsdale.
Mr. Downing.
Viscount Enfield.
Mr. Arthur Guest.
Lord Henley.
Mr. Holt.
Mr. Hutton.
Mr. Maguire.
Mr. Knatchbull-Hugessen.
Mr. O'Reilly.
Sir John Pakington.
Mr. Synan.
Mr. John Talbot.
Sir John Trelawny.
Mr. Walpole

JOHN FRANCIS MAGUIRE, Esq., IN THE CHAIR.

Captain DONATUS O'BRIEN; further Examined.

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611. Sir *John Pakington.*] I HAD not the opportunity of examining you on Monday last, and there are one or two questions I wish to put to you, in consequence of certain statements you made in your evidence; you stated that, in July last, a change was made in the arrangements which had the effect of allowing Roman Catholic women again to be employed in the laundry; I want to ask you what was the cause of that change?—I believe it to have been in consequence of the remonstrance which was made by the Catholic priest, Mr. White.

612. In consequence of Mr. White's remonstrance, the visiting justices, I presume from your answer, came to the conclusion that it was not just or fair to exclude the Roman Catholic women from the advantages, whatever they might be, of the laundry; that is the substance of your answer, I believe?—The visiting justices thought that it would be a fairer arrangement; that is the substance of my answer.

613. I presume, it would be a fairer arrangement, on the grounds which I have just stated?—Yes.

614. Under those circumstances, why were the Roman Catholic women excluded from the laundry, previously to July?—I think it will appear from my evidence, that the Roman Catholic prisoners had been excluded from the laundry in consequence of the matron having reported that their work in the laundry was interrupted by their being taken away for their religious duties, and that caused, so far as the Roman Catholic prisoners were concerned, a cessation of their labour, which was found to be inconvenient.

615. I believe the visiting justices considered, previously to July, that the interruption caused by the attendance of Roman Catholic prisoners at their religious duties was a good reason for their not going into the laundry; but subsequently to July, they decided that that interruption was not a sufficient cause?—Yes, that was so.

616. Did you consult the Roman Catholic chaplain with reference to whether the religious duties of the Roman Catholic women really did necessitate their leaving the laundry or not?—There was no consultation with him that I am aware of.

617. Are you aware that if any such consultation had taken place, the Roman Catholic chaplain could have told you that the religious duties could easily be arranged so as not to interrupt the work?—I did not go into that.

618. But you did not try that, did you?—We did not try that.

619. You made some very strong statements on Monday, which possessed greater weight than they would otherwise have done, on account of your long experience in prisons, to the effect that however right it may be to give religious instruction to prisoners, that religious instruction produces no good effect upon the prisoners?—I stated so, after release.

620. Upon that subject I want to put to you this further question: do you think it possible for anybody connected with the management of a prison really to judge what may be the effect of religious instruction upon the mind of a prisoner, after his release?—I think it would require long experience and considerable inquiry before anybody could come to a just conclusion upon the point; but, so far as I have been able to form an opinion, that opinion was given to you. In the Report of the Select Committee on Transportation, which sat in 1856, the subject was very fully gone into, and, as I think, exhausted. The subject created a great deal of discussion at the time throughout the country, and that discussion turned to a certain extent upon the evidence which I gave, which was of great length. I hold in my hand the Index to that Report, where the heads of my evidence are set down.

621. I think you will see that your answer does not quite meet my question; I ask you a question of a very general nature, whether you did not think it next to impossible for any human being to judge what might be, through future life, the effect upon the mind of a prisoner, of the religious instruction he had received?—As regards an individual it is certainly almost impossible.

622. Then I would only ask you, after that frank answer on your part, whether you do not think

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think it is somewhat dangerous to make a sweeping assertion to the effect that religious instruction produces no effect upon the minds of prisoners?—I did not intend to convey the idea that religious instruction produced no effect upon the minds of prisoners. I intended to convey the impression that the effect of the religious instruction did not last when those prisoners were discharged from the prison.

623. Have you ever been enabled to trace any number or any of those prisoners to the close of their lives, to see what the effect of the religious instruction has been?—I have no such data. My impression is a general impression, formed, especially as regards females, after having been the visiting director for many years of Brixton Prison, where female convicts of the worst description were confined.

624. Is your impression in any degree founded upon the fact that from most prisons, I presume from all, a considerable proportion of the prisoners come back again after repeated convictions?—A very great proportion of them do.

625. Is your opinion of the comparative uselessness of religious instruction founded upon that fact?—Not particularly so; but from inquiries which have been made at different times (but so long ago that I cannot tell you exactly what those inquiries were), and upon the recollection of circumstances which occurred more than four years ago.

626. There are a considerable proportion of prisoners from all gaols who do not come back again under subsequent convictions. I presume you have no means of judging what the effect of religious instruction may have been upon the minds of those prisoners?—No.

627. There is one other subject which I wish to touch upon; as I understood from the evidence of yourself and other gentlemen on Monday last, there have been repeated decisions on the part of the court of quarter sessions to give no salary whatever to the Roman Catholic chaplain; you, I think, are and have been for some time chairman of the visiting justices; will you tell me how many magistrates constitute your visiting committee?—Twelve.

628. Is it your habit as a committee ever to meet and discuss business collectively?—The committee meet once a week.

629. Upon those occasions, when you have so transacted business collectively, has the propriety of giving a salary to the Roman Catholic chaplain ever been discussed by your collective committee?—I can scarcely say that it has been discussed. It has been talked about, but no more; the subject has never come before the committee during the time that I have been connected with it, in a substantive form.

630. How long have you been on the Committee?—Since the beginning of 1866.

631. You are the chairman, are you not?—I am now in the second year of my chairmanship.

632. You have expressed your own opinion to be in favour of giving a salary to the Roman Catholic chaplain?—Such is my individual opinion, and I have expressed that opinion.

633. Under those circumstances how did it happen that you did not bring that question formally under the consideration of your brother magistrates in committee?—I did not think it my duty to bring forward every opinion that I might have held myself.

634. It is an important practical question as regards the management of prisons, is it not?—Doubtless.

635. Would it not be right for you as chairman of that body to ascertain how far all, or any of your brother magistrates, concurred with you upon that subject?—No, because their opinion would be simply a matter of opinion. The payment, or otherwise, of the priest, would depend upon the court.

636. Their opinion being, as you say, only a matter of opinion, was not it very desirable in the office which you held, that your brother magistrates should know what that opinion was?—No, I think not; on the contrary, I think as it is one of those subjects upon which men hold very strong opinions, unless there is some question practically before them, it is injudicious to raise a question which will undoubtedly bring out strong differences, and almost always produce angry discussions.

637. As chairman of that committee do you, or do you not, know what was the preponderating opinion of your colleagues; was it in favour of a salary to the Roman Catholic chaplain, or were they opposed to it?—I think that the opinions at one time would have been opposed to it, but the opinions lately would have been probably in favour of it. The committee is a fluctuating body; three members go off at every quarter sessions, and three new ones come on; therefore, what might be their collective opinion, so far as I am able to judge, or rather guess, at one time, would possibly not be their collective opinion at another time.

638. Supposing that you had at any time thought it your duty to take the opinion of your colleagues on the committee, and you had ascertained that the majority of the committee were in favour of a salary, and had, as chairman, made a representation to the court of quarter sessions in favour of granting a salary to the Roman Catholic chaplain, looking to the official position which you hold in connection with the management of that prison, do you not think that such a representation from the visiting body might have had a very considerable effect upon the decision of the court of quarter sessions?—I think it would, if that opinion had been unanimous, but I know that it was not unanimous. and, so far as I am concerned, as chairman, I am bound to obey any resolution that may be formed by the committee as a body.

639. Do you not think that a representation proceeding from the chairman and a majority of the committee ought to have, and probably would have, a considerable effect upon the decision of the court?—I think it would have a considerable effect upon several members of that court, but I am not prepared to say that it would have that effect upon the body of the court.

640. Whatever the effect might have been, you, at all events, did not try the experiment?—No.

641. You are a magistrate, I believe?—Yes.

642. As a magistrate, were you present in court at the time of either of those two discussions which we have heard of?—I think I must have been, but I do not remember the particulars.

643. Do you remember whether or not, upon either of those occasions, you, as one of the members of the court, and chairman of the visiting committee, expressed your own individual opinion in favour of giving a salary to the Roman Catholic chaplain?—I think not.

644. Yet

44. You were silent upon the subject?—I not think that the subject has come before the rt since I have been chairman of the West- ıster Committee. I am pretty sure it has not.
45. Were either of those discussions subse- nt to your being a member of the visiting ımittee?—Since my membership; yes.
46. You were present as a member of the rt, and a member of the visiting committee ɔn this subject was under discussion, but you not express any opinion upon it?—I have no ollection of having done so.
47. Since you have been connected with the ting committee have there been many oners in the House of Correction, with ɔect to whom it was within your knowledge they were neither Roman Catholics nor ıbers of the Church of England, but con- ɔed with other religious persuasions?—I can you no precise information upon that sub- ; it has been so, but to what extent I cannot

48. Have you ever had any applications made ou in your official position for the admission ıy Protestant minister to visit prisoners who ɔ Protestants, but not members of the Church ngland?—I do not remember any.
49. *Chairman.*] Do you remember being ent at a general meeting in 1868, when Mr. thall Laurie moved this resolution, "That ɔnsideration of the large number of Roman ıolic prisoners usually confined in the ddlesex House of Correction and Westminster ewell, whose religious instruction, according ıeir own persuasions, is dependent at present the gratuitous and voluntary services of ıan Catholic ministers, it be referred to the ɛctive committees of visiting justices of those ɔns to consider and report their opinions as ıe amount and mode of appropriation of a ɔnable remuneration to be paid, under the isions of the Prison Ministers Act, 1868, to an Catholic ministers officiating in these ns?"—I was present when that resolution proposed.
50. You voted for the motion in 1868?—I did.
51. Mr. *O'Reilly.*] Let me ask you a ques- first, with regard to the size of the room used Roman Catholic chapel; do you know what ize of it is, either by cubic space, or floor ?—No; but I can furnish that information e Committee.
52. Can you say what is the average per- ge of casual absentees, as I may call them, s to say, those who cannot attend the ser- —It varies from 10 to 15 per cent.; it is r over 10 per cent., as reported by the ɔn.
53. Then out of 170 prisoners, the Committee infer that there would be left something ɛen 150 and 155, who would be able to at- —Yes.
54. Do you consider that the chapel is well to accommodate 150 prisoners?—Amply; the intention of the magistrates to give ccommodation, and they might have given, ad been thought necessary, rather more ac- ɔdation than they did; the priest's room, as alled, is divided by a partition from what is the Roman Catholic chapel, and when it rst constructed there would have been no lty in running that partition a little more westward, so as to have given, if it had necessary, a few more seats.

655. You mentioned that six Roman Catholic warders were appointed specially, in consequence of there being Roman Catholic prisoners confined in the gaol?—Yes.
656. Will you inform the Committee when those six Roman Catholic warders were first appointed?—They were first appointed about two years ago.
657. Then am I right in concluding, that up to the time when this special provision for the Roman Catholic prisoners was first instituted by the justices two years ago, they had not considered it necessary to appoint any Roman Catholic warders?—No; there was certainly one Roman Catholic warder, but not appointed as such.
658. As I understand (you will correct me if I am not right), the justices refused permission for three things, I think: on the ground of legality, as I understand, in each instance, they have subsequently found reason to change that belief. In the first instance in 1866, when you were a member of the visiting justices, but not the chairman, the justices refused permission to the Roman Catholic priest to see more than one prisoner at a time, on the ground that they had not legally any power to order otherwise, but at a subsequent date, about a year later, they came to the conclusion they they had legally a power to permit him to see the prisoners collectively, and gave that permission?—That was so.
659. Then on the first application of the Roman Catholic priest to be allowed a boy to act as clerk for the religious services on Sunday, the justices refused absolutely, in writing, as you have mentioned in your evidence, to allow any boy?—I believe that is correct.
660. They refused that application on the ground that they could not legally grant the application, but subsequently they withdrew that refusal, and allowed a boy to be employed, subject to a limitation as to his age?—Yes.
661. In the third instance, the justices took a legal opinion with regard to permitting strangers to visit the prison, and that opinion of Mr. Hannen's having been that they had no power to permit such visitations, they refused all subsequent applications, whether Roman Catholic or Protestant, on the ground of that opinion, but continued to give permission to certain persons to visit the prison, notwithstanding its alleged illegality, because they had been doing so before that opinion was given; am I right in saying that?—Yes, quite so.
662. Can you explain to the Committee, in the first instance, how the visiting justicesdiscovered that that which they had considered in 1866 to be illegal, was not illegal?—Yes; upon the question being raised, the opinion of Sir Fitzroy Kelly and Mr. Hannen were taken upon the subject, which opinion is entered upon the minutes; Sir Fitzroy Kelly and Mr. Hannen were of opinion that the magistrates could not legally allow the prisoners to be collected for worship; in consequence of this, certain gentlemen not on the Westminster Committee obtained the opinion of Sir William Bovill and Mr. Day, in November 1866; the two opinions were conflicting, and under those circumstances the authorities of the Coldbath Fields House of Correction submitted an opinion to Sir John Karslake and Sir Roundell Palmer; that opinion does not appear upon our minutes, because it was not asked for by the Westminster Visiting

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Justices, but it came before the court. Sir Roundell Palmer's opinion and Sir John Karslake's opinion were directly opposite to the opinions of Sir Fitzroy Kelly and Mr. Hannen. Then the court came to the conclusion that Sir Roundell Palmer's opinion and Sir John Karslake's opinion ought to be acted upon, and in consequence of this, the magistrates of the Westminster House of Correction thought it would be well to proceed upon the latter opinion. That was the way they came to admit those prisoners to be seen collectively by the priest.

663. Then can you explain to the Committee the change of opinion upon the part of the justices with regard to permitting a boy to officiate as clerk to the services?—At first the application was refused upon a discussion in the committee and upon a resolution of the visiting justices; it was afterwards brought forward, reconsidered, and the opposite conclusion was come to by a majority of the committee. I do not think that at that time I was on the committee. The visiting justices, however, having altered their opinion, agreed that a clerk or acolyte should be admitted.

664. But am I right in understanding that in this case neither their original opinion, nor their altered opinion, was founded expressly upon any legal opinion given to them as in the other case?—As well as I recollect it was founded upon their conception of the law.

665. Then with regard to permitting visitors; the visiting justices took the opinion of Mr. Hannen that they could not legally allow visitors to visit the prison?—They did.

666. But the visiting justices continued to act illegally by allowing visitors to visit the prison; am I right in that?—Yes. I think I mentioned before that they acted prospectively. A resolution was passed to the effect that it should not be done again, and it has not been done again.

667. Am I right in saying that the visiting justices passed a resolution that, for the future, leave should not be given to other persons, but that their action was not retrospective with reference to the visits of persons to whom they had already given leave?—Yes, that was so.

668. Was there anything in Mr. Hannen's opinion to enable the visiting justices to distinguish between the legality of the visiting in the case of A., who gets permission, after the opinion, to visit the prison, and that of B., who has obtained leave to visit the prison before the opinion is taken?—We raised no such question; leave was given, in fact, as a matter of sentiment; only two of those visitors now remain.

669. With regard to the laundry question, it has been stated that the objection to the Roman Catholics working in the laundry was, that they would be called away from their work when the clergyman wished to see them to give them instruction?—It was so represented to us by the matron.

670. Will you inform the Committee what is done in the case of the Protestant prisoners when the chaplain wishes to see them?—The arrangements are such that they do not interfere with the work. The Protestant chaplain sees about 30 prisoners individually, daily, in his own room, and the priest sees about 25 collectively.

671. If any of those 30 prisoners whom the chaplain wishes to see individually is a prisoner employed in the laundry, how does it happen that she will never be taken from her work, or that the laundry work will not be interfered with in that case?—I beg to refer you for details to the matron.

672. You mentioned, in answer to a question put by an honourable Member on the last sitting, that the exclusion of the Roman Catholic prisoners from the laundry could not possibly have a proselytising tendency, but you also mentioned that the laundry work was decidedly the work preferred by the prisoners, and which they would most seek for?—Yes, universally so.

673. It is also the fact, I believe, that a considerable proportion of prisoners in this prison are persons who have been there more than once, having been re-committed?—Several of them have unhappily re-committed a great many times.

674. In the case of a prisoner who had entered herself on one occasion as a Roman Catholic, and who had ascertained whilst in the prison that she would not be admitted to the laundry work because she was a Roman Catholic, if she left the prison and was re-committed again, do you think it would be impossible that her knowledge of the fact that if on the second occasion she entered herself as a Roman Catholic she would be excluded from the most desirable work, could have a proselytising tendency upon her mind?—I should say, certainly not, it would be impossible she will go to the laundry because she likes the work, and gets some beer or extra cocoa for doing the work, but that has nothing whatever to do with submit, with her religion one way or the other; in fact, there is very little religion amongst them.

675. Unhappily, I quite understand that would not affect the prisoner's religious belief the slightest; what I want to know is this, may it not possibly have an influence in inducing her to register herself on the second occasion as a Protestant, in order to get the work which she preferred, and the beer which she would get?—Yes, it is quite likely.

676. And therefore, as far as a Catholic registering herself as a Protestant may be considered a proselytising result, in your opinion that may be the result?—Pardon me for saying that I do not think the term "proselytising" can be connected with the question at all.

677. But I am right in thinking that it may have the result of making a Catholic prisoner subsequently register herself as a Protestant?—Yes, she might call herself so.

678. With regard to the dismissal of the Reverend Mr. White, in answer to a question in your last examination, you stated that it was considered by the justices so wrong in him to communicate to the public press what they had told him, irrespective of whether it was a confidential communication or not, that they considered it impossible they could work together; am I right in considering then, that the ground the justices took was that whether the Reverend Mr. White was an officer of the prison, or not, and whether the communication which was made to him, was a confidential communication or not, it was wrong in him to communicate anything which they told him to the public press?—Yes; that was the ground upon which they withdrew their permission for his attendance.

679. Then they would have considered it wrong for the Roman Catholic priest who visits the prisoners there, and being refused, for instance, permission to see the prisoners collectively, to administer the Sacrament to them, or to give them any other religious instruction, to con-

ate that fact to the public press?—They ught so, and I think so.

80. Do you hold that it would not be right the public to get any knowledge of the adistration of the prison in such a way?—Not such a way.

81. May I ask how you would suggest that public could get any information with regard the rules and regulations, and administration the prison, in any other way than in such a as this?—There are various ways in which t information could be obtained.

82. Will you mention them?—The priest ght not to publish; there are a variety of ways ich it is not necessary for me to particularise, which any subject of that sort does come before public; assume that it was not a religious ject, I say that any officer, or visitor attending, o, on a disputed question arising, at once puts self into communication with the press, and olishes the matter, be it in a prison, or in any er department, either municipal or connected h the State, is wrong in doing so; and it is ossible that the magistrates can carry on their ies fairly and reasonably, if one of their cials is at once to rush into print, and state the public what has, or what has not been ne.

83. In your last answer you say that you uld consider it wrong for an officer, or an official rush into print; but your first answer was to effect that you would consider it wrong for person in the position of a visiting clergyman not an officer of the prison, to communicate facts with regard to that prison to the public; you adhere to that statement?—I do; I think is wrong in making an unauthorised communion to the public.

84. You have been a magistrate of Middlesex how many years?—Since the middle of 1865. ft Her Majesty's service in 1864, and became agistrate in 1865.

85. Would you inform the Committee, from r knowledge of the whole subject, what chance e is of any Roman Catholic chaplain being ointed with an adequate salary to the Middle- Prisons if the state of the law be left as it is , entirely optional upon that question?—blic opinion is going on so fast in this matter I have no doubt before very long it will be ded to; it was only so recently as when Lord merston was Secretary of State for the Home partment that he could not get from the House Commons 50*l.* to pay the Roman Catholic st at Millbank. Public opinion ran against , and strong as he was in the House, his pro- l was rejected, and that 50*l.* a year was refused. wever, public opinion has gone on steadily ad- cing in the opposite direction, and I have no bt that it will go on steadily advancing in the e direction, so that before very long we shall that even the law as regards Roman Catholic sts will be so amended that they will be paid.

86. Even in Middlesex, that is my point?—n in Middlesex.

87. Am I right in thinking that it is conrably more than 15 years since the vote of was rejected in the House of Commons?—I k it is about 16 years ago.

88. And you think that public opinion will inue to progress in the same direction at t something like the same pace?—I do.

89. Mr. *Holt.*] I suppose that in the event ny lady visitors, allowed by the justices to visit within the prison, acting as Mr. White did with reference to any communication which passed between them and the visiting justices, you would think them equally culpable, and would object to their continuing to visit the prison?—I should not think them culpable, because there is no culpability in it; but I should for one, certainly, so far as my individual vote went, refuse to allow them to come in again.

690. If not culpable, it would be equally objectionable on their part?—It would.

691. Will you tell the Committee whether there are any special regulations in your gaol affecting Roman Catholics, which do not apply to Protestants?—Will you define more distinctly what you mean?

692. With reference to books from the library, are there any privileges given to Protestants which would not be given to Roman Catholics?—None in that respect.

693. That is to say, Roman Catholics have as free access to the library to get what books they please, as the Protestants?—Roman Catholics do not select their books, but the priests select them for them, and any reasonable application that is made is never refused; for instance, if a woman wishes to have a book, she speaks to the priest, and she gets it if he thinks it a fit book. Those books are kept apart from the Protestant books.

694. Under what regulations are the Protestant prisoners supplied with books?—In the same way, by application to the chaplain.

695. Mr. *Synan.*] My honourable friend asked you whether your lady visitors would be dismissed if they acted as Mr. White did; do you consider the lady visitor, whose visit was illegal, and declared illegal by Mr. Hannen, to stand in the same relation to the prison as Mr. White, the chaplain, whose appointment was legal?—Pardon me if I say that I did not state that the visitor would be dismissed. I gave it as my individual opinion, and I added that if my vote were taken upon the point, I would vote for her not being re-admitted.

696. Will you answer this question; do you consider the lady visitors and the Roman Catholic priest to stand in the same relation in the prison, notwithstanding that the visiting of the one was illegal, and the visiting of the other pronounced legal?—If I understand the honourable Member's question rightly, so far as my opinion goes, there is no analogy between the two.

697. You do not consider that they stand in the same relation in the prison?—No; inasmuch as one is a lady visitor, and the other is a priest.

698. Was not the visiting of the one declared by Mr. Hannen to be illegal?—As regards the lady visitors, it was.

699. And was not the attendance of Mr. White under the Act of Parliament, and sanctioned by the visiting justices, legal?—That was legal.

700. Therefore, there was no analogy whatsoever between the two?—No.

701. You were asked whether there were any special regulations with regard to the Roman Catholics, and you answered that there were no special privileges with referenee to the library given to the Protestant, any more than to the Roman Catholic prisoners; are there any special privileges in any way allowed to the Protestant prisoners?—1 do not think there are.

702. Except the laundry?—That distinction does not prevail now; that has been all settled.

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703. I am speaking of the time when there was an exception made with regard to the laundry?—Then there was that difference.

704. In answer to my question on the last sitting, when I asked you whether Mr. White had made an application for a schoolmistress, you stated, that you thought it was for a Scripture reader that he made the application?—My reply was altogether in reference to the Scripture reader. With reference to the schoolmistress, I do not recollect that I said anything particular; I may have done so. Mr. White did apply for a schoolmistress in 1867.

705. And he was refused?—He was refused.

706. And that is the letter of refusal, in which no cause is assigned for that refusal (*handing a paper to the Witness*)?—Yes.

707. It is dated the 14th of March 1868, when he applied for a clerk; now, you mentioned something about the size of the boy; all the objection was to the size of the boy, was it not?—That was when the boy, or the young man came, he was objected to in consequence of his size, he was too big in fact, considering it was a female prison.

708. Was not the first refusal absolute, and without any reference to any condition?—Yes; and you will find, in the second page, that the next application was refused in consequence of the boy's size.

709. If you read the resolution, you will see that it was to refuse the application absolutely?—The first application was refused absolutely.

710. The application for a Scripture reader was the subsequent application of the 15th of May 1869?—It was.

711. And that application was refused?—It was.

712. Mr. *Guest.*] You told the Committee that six Roman Catholic warders were appointed?—Yes.

713. Were there any special reasons given why they should be appointed?—They were appointed, in order to attend solely upon the Roman Catholic prisoners.

714. Were there any reasons given why Protestant warders were incompetent to attend upon Roman Catholic prisoners?—There was no question of competency or incompetency in the matter, but it arose from a feeling that it would be better to have Roman Catholic than Protestant warders for the Roman Catholic prisoners. I did not join in that opinion myself.

715. To attend in the chapel?—To attend in the chapel; it was chiefly on account of that.

716. Were the Roman Catholic warders specially told off to attend upon the Roman Catholic prisoners?—Specially.

717. And as far as possible the Protestant warders are not told off to attend the Roman Catholics?—That is so.

718. I understood you to state that one of the reasons for prisoners liking the laundry was, that they got a little more beer?—They have a privilege of some sort; I thought it was beer; in some places they do get beer, but here, I am informed, cocoa is given to them.

719. Is it not the case in all prisons that the work of the laundry is preferred, independently of those reasons, to other work?—All persons who have been concerned in the inspection of prisons well know that the laundry is a favourite place for prisoners. In the first place, the work is not so monotonous as the ordinary work; secondly, the prisoners always get a little more allowance, because it is considered that the work is so severe that it requires something in the nature of support or stimulus to enable them to do it. Consequently, it is generally the best-conducted prisoners, and those who have been longest in the prison, who are allowed to be there.

720. When the question has arisen at your meetings concerning the payment of Roman Catholic chaplains, has any particular scheme been advanced by which they should be paid that you are aware of?—I am not aware of any particular scheme having been advanced; but speaking as an individual, and not as the chairman of the committee, I may say that I have formed my own ideas of what that remuneration might be.

721. Have you any objection to state to the Committee what your views are upon that point?—None whatever. It appears to me that, as a basis, 10 *s.* per head per annum might be fairly taken as an average throughout the year for the payment of the priest; but, as in small prisons that would give a very insignificant sum, I would suggest a minimum salary of 15 *l.* a year, with travelling expenses, say at the rate of about 3*d.* a mile. When, therefore, the number of prisoners of the Roman Catholic persuasion exceeded the number that would give the amount of 15 *l.* a year, I think it would be fair to pay them at the rate, as I said before, of 10 *s.* per head. I think I have heard that in some prisons that is done, but I am not sure. In the Government prisons there is a scale laid down, and I venture to refer the Committee to that scale, which I have no doubt will be found a just one.

722. Are you aware whether the opinion which you have now given to the Committee is shared by your brother magistrates?—I never discussed the matter with them.

723. Simply the broad question as to whether or not the Roman Catholic priest should be paid, and not the manner in which he should be paid, has been discussed?—Yes.

724. Is that the principle upon which the Protestant minister is paid in the prison?—No.

725. He receives a lump sum?—There is no uniform system of payment to the chaplains throughout the country; some get more, and some get less.

726. I see here in the Return, that in Tothill Fields Prison the Protestant minister is paid 410 *l.* per annum; according to your scheme the Roman Catholic priest would be paid 110 *l.*; do you think that that would be a fair way of remunerating the Roman Catholic priest who would only have about one-fourth of the salary that the Protestant chaplain would have, while he would have to provide for the spiritual welfare of nearly half as many prisoners as the Protestant chaplain?—I think it would be a fair remuneration; I have never taken into consideration the relative duties or proportions of the two.

727. You appear to have been in favour of the payment of the Roman Catholic priest?—Yes.

728. I suppose on principles of equality you would consider it right that equal justice should be meted out to both?—I have not taken the question of payment into consideration as regards any circumstances but those of the priest himself; he has certain duties to perform, and

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ought to be paid fairly for performing those duties, and upon no other consideration have I regarded the question.

729. You do not consider that it would be advisable to pay the Protestant clergyman upon the same scale as you would the Roman Catholic chaplain?—I would not disturb the present arrangements as regards the payment of the Protestant clergyman.

730. Mr. *Downing.*] With regard to the warders, will you inform the Committee how many warders there are in the prison altogether?—I cannot tell you off-hand; there are a great many.

731. You stated that the six Roman Catholic warders were employed, as I understand, in the chapel?—Chiefly for the chapel; that was the main reason for their being appointed.

732. Will you tell the Committee what are their duties in the chapel?—Their duty is to supervise the prisoners, and to see that no irregularities take place.

733. During service?—During service.

734. I may take it that it is a very sufficient reason for appointing Roman Catholic warders, that they should be present at the Roman Catholic service instead of Protestants?—Yes, that was deemed a sufficient reason.

735. You stated just now that you regarded the payment of the priest apart from any other consideration than that of his duties, and you stated to an honourable Member near me that you thought it fair to pay the Protestant chaplain 410 *l.* a year, and the Roman Catholic priest but 110 *l.*; that is what you have stated, is it not?—I have said so. The chaplain at Westminster has been there above 30 years, I think 35 years, and a good deal of his salary is due to length of service, but I cannot give you the particulars.

736. That would qualify your answer, then; because the Protestant chaplain of this gaol has been for a great many years an officer of the gaol; you would consider for that reason that he was entitled to a larger salary than an ordinary person?—Yes.

737. Then you do qualify the answer you give, so far?—Yes, I do.

738. But suppose that he had been a chaplain who had come in within the last 12 months, would you then say that you would pay him 410 *l.* for attending to 493 prisoners, and only pay the Roman Catholic chaplain 110 *l.* for attending to 220 prisoners?—I have never given any consideration to the relative payment of the two.

739. Do you know what the duties of the Roman Catholic priest would be who attends to his duty in a prison where there were 220 Roman Catholic prisoners?—But very imperfectly. I never make it my business to inquire what his duties are, or by inquiry to interfere in the slightest degree with the way that the Roman Catholic clergyman carries on his duties.

740. I daresay, as chairman of this visiting committee, you are aware that the Roman Catholic priest is always exceedingly attentive to his duties in the prison?—Yes, beyond a doubt.

741. Are you aware that he visits the prison generally every day?—Very nearly every day. The number of days that he visits is reported to us weekly.

742. Will you allow me to ask you what would be that state of circumstances in which you conceive that 15 *l.* a year would be a fair remuneration to a gentleman, that is about 10 *d.* a day, you understand?—I say that there are cases where there may be in a prison only two, or three, or four Roman Catholics, and I consider that if a priest has to visit them he should have but a minimum remuneration of 15 *l.* a year.

743. That would depend upon so very small a number as four or five being in a gaol?—At any rate, very few.

744. I value your opinion very highly, and I am sure the Committee do so, too; will you be good enough to fix the minimum number to which that sum should apply?—Let me take what Huntingdon Gaol was when I was Inspector of Prisons for that district. I think that there were not above three or four Roman Catholic prisoners in the prison. I would give the gentleman who came to visit them some remuneration, but I think that if I had been one of the visiting justices there and had to pay a Roman Catholic clergyman more than 15 *l.* a year for that duty I should consider that I was paying him more than I was justified in taking out of the pockets of the ratepayers, but that result must be a matter to be decided altogether by the visiting justices of each particular prison.

745. Would you be very much surprised to hear that in Ireland, Protestant clergymen are appointed with a salary where there has not been a Protestant in the Poor Law Union for years, and that by Catholic guardians?—Since the time of the famine I have known so little of Ireland that I am not able to say.

746. Would you be surprised to hear that?—I should not be surprised to hear it, if you say so.

747. You have just now said that public opinion was growing in favour of the Roman Catholic priests?—Yes, it is.

748. And I take it for granted, you would say that legislation ought to follow very quickly upon public opinion?—No doubt, and more than that. I do not think that in this particular case, without legislation you will carry the point I have advocated.

749. I find that at this meeting in 1868 there was a majority of 14 against the motion of Mr. Laurie; that is to say, against giving a salary; are you not aware that a meeting has been since held, in 1869?—I really do not remember it.

750. Lord *Henley.*] I want to ask you one question with reference to this large number of persons who are entered as Protestants; do prisoners often, when asked their religion on entering the prison, say that they are Wesleyans or Baptists, or any other different sect of Protestants?—Yes, and they are registered as such.

751. Are they registered under the head of Baptists or Wesleyans?—Yes, they are.

752. And can you say why this return puts them down merely as "Protestants"?—It is the usual term that is made use of throughout the country. Those prisoners who are Roman Catholics are put down as Roman Catholics, and those who are not are put down as of the Church of England, excepting in the cases of Jews, or Lutherans, and so on.

753. But those who enter themselves as Baptists or Wesleyans are not allowed any difference of teaching from the remainder of the Protestants; all the Protestants are taught together by the same chaplain; is not that so?—Yes.

754. There are no ministers from the other denominations allowed to come into the prison at all?—

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all?—Unless under peculiar circumstances, when they are called for, but there is no machinery for their being permitted.

755. There is no allowance made for them?—No.

756. No payment for their services?—None.

757. Do you remember any case in which, for instance, Baptist ministers have been asked for?—Yes; there have been cases during the time that I have been connected with prisons.

758. Did they visit many of the prisoners, or only isolated cases?—They visited the cases which they had been specially asked to attend.

759. But not to teach the prisoners collectively in any number?—Never.

760. And never held any services in the chapel?—Never.

761. In the scale you have suggested for the payment of the Roman Catholic chaplains, as compared with the amount paid to the Protestant chaplain, did you take into consideration the fact that the Roman Catholic system requires a much closer attendance upon each individual prisoner than the Protestant system?—I really did not; I do not know what the Roman Catholics do, and I have carefully avoided coming to any knowledge of the subject.

762. Therefore you cannot say whether it is so or not; but would you not think that the necessity for confession, for instance, and the other services of their church, would make their duties more severe, and take up more time and more pains than the duties of the Protestant chaplain would, who could address his audience collectively?—Yes, the systems are totally different, I know. At Millbank, the Roman Catholic clergyman has very hard work.

763. But now, if you were to make a fresh plan, would you not be inclined to put the Roman Catholic chaplain, in point of payment, upon an equality with the Protestant chaplain?—I would not.

764. Why?—It is difficult to say why, but such is my conviction.

765. I should very much prefer, if you could give the Committee your reasons?—I rely very much on the established religion of the country, in which we are; the constituted religion of the state is Protestant, and, therefore, if there is to be an establishment, I would not put any clergyman of any other denomination on the same footing as the Protestant clergyman. In Scotland, where I was Inspector of Prisons for a short time, I found the same thing, and from what I saw there, I should not be disposed to place a visiting clergyman of the Episcopal Church on the same footing as I should a minister of the Established Church of Scotland.

766. And you would make your payment to the minister according to the fact of whether his church happened to be the Established Church of the country, or not?—Pardon me; I said I would pay the gentleman who came to do the duty in respect of what he himself did, and not with reference to any other denomination.

767. But I understand you to say that the scale upon which those ministers should be paid, should depend upon whether their church was the Established Church of the country or not?—I meant to imply, that I would not put the others on general terms of equality in the prison, with a minister of the Established Church; I would treat them with respect only to their own congregations; I do not see in the slightest degree why one should be considered with reference to the other; and more than that, I think if you treat them otherwise, you may bring them injuriously into collision with each other, whereas if you keep them apart, each to look after his own flock, the management will be better, the discipline will be better, and the whole arrangement will work better and more amicably, and more for the welfare of the prisoners.

768. You assign no further reason for the difference of the scale upon which you would pay these various chaplains; you say you would pay the Catholic and Protestant chaplains on a totally different scale, and you give no further reason than that the one is a minister of the Established Church of the country, while the other is not?—What I meant to imply, and what I think I did show, was, that I would treat each minister according to his duties, his own flock, and his own position, and nothing else; I never did, and never will, as long as I have anything to do with magistrates' business, bring men together, so that there shall be any differences of opinion, or anything that can lead to the expression of difference of opinion on religious subjects.

769. You are rather diverging from the question which I wished to put; here the Protestant chaplain is paid at the rate of nearly 1 *l.* per head, and your proposal is, that the Catholic chaplain should be paid at the rate of 10 *s.* a head down to a certain minimum point?—That is what I have stated as my own individual opinion.

770. You can give no other reason why you make that difference in the scale, but that the one is a minister of the Established Church, and the other is not?—I think not.

771. Mr. *Talbot.*] An honourable Member on the other side of the table, asked you a question about the way of making certain facts public; what, in your opinion, would be the best way if any officer of the prison felt himself aggrieved, for him to obtain redress; would it not be your opinion, looking to your experience in public matters, that the proper course would be for any officer of any establishment to make his complaint to the head of that establishment?—No doubt.

772. That the Committee may take as a general proposition?—No doubt.

773. Following that out, would it not be the right way for an officer of a prison to address his complaint first of all to the visiting justices, and if he failed to get redress from them, then to the court of quarter sessions, and if he failed to get redress from them, then to apply to the Home Office?—That is the course that any officer should pursue.

774. With regard to religious instruction, my right honourable friend asked you some questions upon some startling evidence which you seemed to have given on Monday, when I was not here; I cannot help thinking it might be satisfactory to you to qualify that evidence to some extent; you stated, in answer to question 588, "I maintain that, practically, no religious teaching of any sort does affect the conduct of the prisoner, when that prisoner goes out; exceptions to that rule are very rare;" am I to understand that you would say that of every class of prisoner, or would you wish to confine that remark to hardened and habitual offenders?—Chiefly to hardened and habitual offenders, but, unhappily, it will go much further; the exceptions that I alluded to were undoubtedly those who were not hardened and habitual offenders.

offenders. I stated in my examination before the Committee upon Transportation in 1856 (I am quoting from the Index), "Great difficulties in the way of the employment of female convicts when discharged in this country. Their reformation is, practically, almost impossible." I have the same observation to make with regard to the greater number of the women that come into our gaols; it is a remarkable fact, that of the women who are twice convicted, half of them are ten times convicted and upwards, as will be found by reference to the tables of the Home Office, generally called "Redgrave's" tables, which were published about three years' ago.

775. Following the remark which my right honourable friend made to you in the course of your examination, there is a large proportion of prisoners who do not come a second time to prison, and of that large number, I presume the great proportion are young persons. Is it not your opinion, from your experience (I do not wish to lead you to form an opinion contrary to your honest conviction), that a large number of that class of young persons who are committed to prison once, and never reappear, may have been materially affected by the religious instruction they have received in the prison?—Unhappily no. The majority of those who come to us are young; but they are hardened in vice, and they come again and again; those who are convicted for the first time, but who may turn out well afterwards are for the most part middle-aged women.

776. I think you stated that you had been an inspector of prisons? — I was an inspector of prisons for Scotland, and for the Midland Counties.

777. Is it the practice in other counties besides Middlesex to employ Roman Catholic wardens for Roman Catholic prisoners?—It is the case here and there, but I do not think it was generally done.

778. Do you think it is a desirable practice? —It is a convenient practice in some respects; but I am not quite sure, were I to have the management of prisons, as I had before, that I would have Roman Catholic officers and Protestant officers in the same establishments. In the management of Pentonville, and Millbank, and Brixton prisons, and at Parkhurst, I disliked having warders of different persuasions, not as regarded the prisoners, because the Catholic warders and the Protestant warders will treat their prisoners, whether Catholic or Protestant, equally well, but it will happen that they begin to discuss matters among themselves, which leads to formation of parties, and to discord, and consequently to an interference with the general maintenance of good order.

779. Have you ever heard of any complaints in cases where all the prisoners are under the charge and control of warders presumed to belong to the Established Church, that those warders have interfered with the Roman Catholic prisoners?—I have never heard such a complaint.

780. You have been pressed a good deal about the question of the relative payment to the chaplains; I put it in this way to you; the honourable gentleman near me, and the noble lord next to him, asked you whether you considered the scale of payment for the Roman Catholic chaplain, which you put at about 10 *s.* a head, was a fair and liberal scale, whilst you paid the Protestant chaplain 1 *l.* a head; is it the usual plan to estimate salaries at so much a head?—No.

781. Then you have a plan by which you estimate salaries at so much a head?—I think the average number of prisoners is a fair basis upon which to compute the salaries of superior officers.

782. You not only know what your own plan is, but you have had experience of the plans adopted by public bodies, such as the quarter sessions and visiting justices; have you ever heard of such a plan being proposed, or acted upon, or carried out, as paying such officers as chaplains, warders, governors, and surgeons at so much a head?—Yes; in some of the smaller prisons in the Midland districts that was the way in which some of those officers were paid.

783. Then with regard to the position which a chaplain belonging to the Church of England occupies in a prison, as compared with the position which other religious officers or ministers occupy, is it not your opinion that the chaplain of the Church of England is one of the officers of the establishment?—Yes, it is.

784. Would the ministers of other religious denominations be officers of the establishment? —I recommended, when I last had the honour of being examined by you, that the Catholic minister should be appointed an established and recognised officer of the establishment.

785. But as the practice now is, are those other ministers, officers of the establishment or not?—Permit me to say, that that was a question very strongly pressed upon me before, and I gave a guarded answer to it. Some persons regard them as officers of the establishment, I do not; but, at all events, there was a diversity of opinion upon the point, and as I think it is a matter more of definition of words than of real importance, it would prevent anything like mistakes being made upon the subject, to make the Catholic priest an officer of the prison.

786. But at the present time he is not an officer?—He is a permissive.

787. Am I right in saying that it is not the usual custom of the visiting justices to look upon ministers other than the chaplains as officers of gaols?—That is so.

788. That would be the reason for the difference in the payment of the chaplain and the ministers of other denominations, who might be allowed to visit the prisoners?—It would not weigh in my mind, inasmuch as I would pay the gentleman according to what he does in any capacity he might fill, totally irrespective of other considerations.

789. Taking it upon that ground, is it not the fact that the chaplain of the Church of England, as long as the Church of England is the established religion of the country, is in most prisons an officer of the establishment who is bound to give as much time as the visiting justices require? —Yes.

790. But the Roman Catholic clergy and other ministers come in to visit certain prisoners at their request, and the visiting justices do not lay down what time they shall attend at the prison?—That is so.

791. Would that be a reasonable cause for a difference between the scale of payment for the Church of England chaplain, and for members of the Dissenting bodies?—No doubt, it would weigh with the magistrates.

792. But would it not be a reasonable ground for the difference?—Yes, I think it would.

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793. Then the Committee may infer that the payments to other ministers than those of the Church of England are in the nature of gratuities, and not salaries?—Yes; any payment made to them would be in the nature of gratuities, and not of salaries.

794. Nobody would imagine that a gratuity should be paid in the same way as a salary?—No.

795. One of the honourable Members of the Committee asked, with reference to the proportion of Protestant dissenters, the proportion of Protestant dissenters in prison is very small, is it not?—I believe it is larger than what is usually supposed; but a great many of the Protestant dissenters put in their names as of the Church of England, when in fact they are not so; but according to the returns it is as you state.

796. I meant rather to ask you, whether it was not in your experience the fact, that Dissenters as a rule, excluding the Roman Catholics from the question, are not numerous in the lowest class of society?—I cannot tell you that.

797. Your experience of prisons would rather lead you to suppose, would it not, that Dissenters are not numerous amongst the criminal class; that is to say, the class who generally fill the prisons?—I do not think that they are so numerous as those of the Church of England, certainly.

798. Is it not also the fact that persons who have never been brought up in any religion whatever, as long as the Church of England is the established religion of the country, call themselves, or are called, for purposes of public convenience, members of the Church of England?—Yes.

799. Therefore it is not likely that any large number of persons would ask for the services of a dissenting minister?—That is so.

800. If they did ask for such services would they be refused, in the Westminster prison, for example?—If any prisoner, who was ill, wished to see a minister of his own denomination such minister would be sent for.

801. Have you ever known a case in which, on any prisoner asking for the religious ministrations of a minister of his own denomination, that request has been refused?—I think not.

802. Mr. *Knatchbull-Hugessen.*] In answer to my honourable friend, you gave the Committee what you considered the proper course of appeal on the part of an officer of a prison having to complain, first to the visiting justices, then to the court of quarter sessions, and then to the Home Office; in the case of a Roman Catholic priest not considering himself, and not being considered an officer of the prison, is it not possible that that course might not present itself to his mind as the only legitimate way of making an appeal?—It is quite possible, and if a Roman Catholic priest was to ask my advice as to what he should do, I should recommend him to appeal to the quarter sessions, and finally to the Home Secretary; there is no rule about it.

803. Is it not your wish in desiring to give those gentlemen salaries that they should, in fact, become officers of the prison?—Yes.

804. And if they were officers of the prison, they would be brought, in your opinion, into more satisfactory communication with the prison authorities, and would be more likely to ask your advice, and to follow that course of appeal which you think is the proper one?—I think so.

805. The Catholic ministers would feel that their status was recognised, and altogether they would feel that their position in regard to themselves, and the authorities of the prison, was more satisfactory?—It would be so both to themselves and to the visiting justices.

806. With regard to paying the Roman Catholic chaplain, it is your opinion that whatever minister of whatever persuasion does really work in a prison should be paid fairly according to the work that he does?—It is.

807. Although you propose one particular scale you would not bind yourself to that; you would not wish to be bound by that, but you would pay the labourer according to his work?—I would.

808. *Chairman.*] You would, I presume, give the clergyman who devoted his time to this important work as much as would maintain him as a gentleman according to his position in life?—That is material.

809. Therefore if this arbitrary payment of 10 *s.* per head would not result in a fair remuneration for the clergyman's time, you would not be bound by that; you would give him as much as would fairly support him?—I would give him as much as would support him, and not make it a matter of legislation.

810. But supposing this 10 *s.* only reached to 80 *l.* or 90 *l.*, and the clergyman gave a large proportion of his time to his duties, would you consider so small a sum as that a sufficient payment to the clergyman?—I do not know enough about these gentlemen to give you an answer upon that point.

811. Do you consider that any man could maintain himself as a gentleman, pay house-rent, and meet all the expenses of his position, for so miserable a sum as that?—Again, without desiring to compare one with another, I might say that there are a great many curates who do not get as much.

812. Just to clear up the matter of the meeting of the Middlesex magistrates, where the proposal for the payment of the Roman Catholic chaplain was made, do you remember a meeting of last year, 1869, when a proposal of that sort was made by Mr. Bagshawe?—Yes, I think I do; but I have no distinct recollection of it.

813. You do not know to the contrary?—I think there was such a meeting.

814. Towards the close of last year there was such a proposal made to the Middlesex magistrates, and it was rejected; was not that so?—I daresay there was, and I might have been present in court when it was made, but I really do not recollect much about it.

815. Mr. *O'Reilly.*] In answer to a previous question, you assented to the proposition that the payment to a Roman Catholic clergyman attending on Roman Catholic prisoners, if made, ought to be looked upon in the light of a gratuity for a voluntary service given by a person not an officer, not under the control of the authorities, and not bound as to the quantity of service which he gave; I wish to call your attention to one case: in the borough gaol of Liverpool a Roman Catholic chaplain has been appointed by the prison authorities at a fixed salary, upon a condition that he reside in the prison, and give his entire time to the duties of the prison, subject, with reference to the amount of time he occupies, and the other conditions of the performance of his duty, to the regulations of the justices; would you consider that in that case the payment to him should

hould be looked upon as a gratuity for a volun-
ary service?—In that case it is a payment for
n absolute service, but still he is not by law
vhat the honourable Member has called an officer
f the prison.

816. Will you explain to the Committee what
ou mean by not being by law an officer of the
rison, he being appointed by the justices under
he Act of Parliament, who have power to appoint
im chaplain of the prison?—I did not know that
here was an Act of Parliament so appointing
im; doubtless, in such case, he is an officer of
he prison.

817. Mr. *Guest.*] You stated that the chaplain
t Tothill Fields, had been over 30 years in the
ervice?—Thirty-five years; he will be super-
nnuated shortly.

818. Do you think that he has an exceptionally
igh salary in consequence of his length of ser-
ice?—No, certainly not; he is worthy of every
arthing of it.

819. Are you aware whether his salary has
een raised since he was first appointed?—Yes,
t has; but I cannot tell what he began with.

820. Mr. *Synan.*] Will you be good enough
o state what was your answer to the application
or a Scripture reader?—It was as follows:
Carlisle-street, Soho, 29 May 1869. Sir,—The
isiting justices of the House of Correction at
Westminster, having taken into consideration
our application for the appointment of a Scrip-
ure reader to the Roman Catholic prisoners, I
m desired to inform you that those prisoners
have the same advantages as the Protestant
prisoners, and therefore the visiting justices do
not deem it advisable to comply with your re-
quest. I am, sir, your obedient servant, *Charles
P. Allen.*"

Captain *D O'Brien.*
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821. Lord *Henley.*] You stated, in answer to
the honourable Member for West Kent, that you
would pay the Roman Catholic chaplain on a
lower scale, because his payment would be in the
nature of a gratuity, while the payment of the
Protestant chaplain was in the nature of a salary;
was not that the answer you gave?—I recom-
mended very strongly that he should be a salaried
officer; and that he should be in the receipt of a
salary commensurate with his services.

822. But you stated, in answer to the honour-
able Member for West Kent that you looked
upon his payment as a sort of gratuity?—I think
not.

823. Mr. *Downing.*] Does not the Roman Ca-
tholic clergyman, who is appointed under the Act
of Parliament, an officer, become at once an officer
of the prison, and does not he hold the same
status as a clergyman of the Established Church,
except in point of salary?—I consider that ap-
pointment makes him an officer of the prison.

824. Mr. *Talbot.*] Do you consider that there
is any power under that Act, to appoint a chap-
lain of any other religious denomination than the
Church of England as an officer of the prison?
—I do not know the Act sufficiently to answer
that question.

Mr. Miles O'Reilly, a Member of the Committee; Examined.

825. *Chairman.*] I believe you have drawn
p an analysis of the Parliamentary Returns
elative to county and borough prisons, as re-
ards the number of Roman Catholic prisoners
in each, and any salaries that are paid?—I
have.

826. Will you hand it in?—I will. (*The same
was handed in,* vide *Appendix.*)

Mr. *Miles O'Reilly,* M.P.

Mrs. Susanna Maria Billiter called in, and Examined.

827. Mr. *Dimsdale.*] You have been matron
r keeper, I think, of Westminster Prison for
ome years, have you not?—I have for 12
ears.

828. Do you remember the 12th of April,
868?—Yes, I do.

829. That was the occasion on which the Ro-
an Catholic service was first celebrated in the
hapel of the prison?—It was.

830. Did you make an address to the prisoners
t that time?—I did; because previously to that
ate all prisoners of all denominations had at-
ended the Protestant chapel if they liked to do
o; none of them were obliged to do so. The Roman
atholic prisoners had consequently attended with
ie others, and the Protestant chapel not being
fficiently large to acommodate all the priso-
ers, I always kept out a portion of each
ection, morning and afternoon reversing them,
that those who stayed away from the morning
ervice went in the afternoon. After the Roman
atholic service on Easter Sunday I went into
ie yard and spoke, as far as my memory serves
e, as follows: "Women, you have all heard
ass in your own chapel this morning, for the
ture you will always have an opportunity of
oing so every Sunday morning; you never have
een obliged to attend our chapel, and you need
never step in it again unless you like. At the
same time if there are any who do wish to attend
it" (for I knew there were many who had fre-
quently come in as Protestants as well as Catho-
lics) "just hold up your finger that I may make
an arrangement to admit you, but you are none
of you obliged to attend;" that is to say, none of
them were obliged to attend the Protestant chapel
unless they wished to do so; I specified that
three times.

Mrs. *S. M. Billiter.*

831. Did you use the expression "your
chapel"?—I could not say exactly; I might have
said, "You have had mass in a chapel of your
persuasion."

832. You did not identify yourself with the
Protestant chapel?—No, not that I remember;
those were the words I used.

833. Was any indignation expressed by the
Roman Catholics at the time?—On the contrary,
some of them curtsied and said, "God bless you
matron; thank you."

834. Was Mr. White present upon this occa-
sion?—No, not that I am aware; I believe that
he was in his room, but I did not see him.

835. Was any remonstrance made to you by
any of the county justices respecting the speech?
—There was a Catholic gentleman not connected
with the prison, came down in the course of the
week,

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week, and asked me if it was possible I could have addressed the prisoners in that way; I told him I had done so, and I told him my motive; he said I had done very wrong, and requested that I would not allow the Roman Catholic prisoners to enter our chapel again. I said (of course I did not intend to repeat the conversation I had had with them) that they would not attend again, and they never have since.

836. How many Roman Catholic prisoners are there at this time?—I believe there are about 145.

837. What is the average number?—About 200; we generally consider about 200 the average number.

838. And how many Protestants are there?—Six hundred; there would be nearly 800 prisoners altogether; at this time we have 749 in the prison, but we sometimes have had 799.

839. What is the average number of Roman Catholic prisoners attending service in the chapel?—In their own chapel, about 170; there is room for that number, and if there are more than that number, some of them stay out from chapel in the morning, and go in the afternoon; that is on the Sunday.

840. What is the number of Protestants attending in their chapel, on the average?—The Protestant chapel will accommodate 600, and we go there to that number; if there are more than that number, I am obliged to keep them out in the same manner as I do the Roman Catholics.

841. What would be the general number of Protestants absent from the chapel?—I can hardly say; I should think about 30 or 40 possibly. Generally, only those are absent who are medically unfit.

842. And with Roman Catholics?—It is the same with the Roman Catholics; if there is room for them in the chapel, all are supposed to attend unless excused by the surgeon, or if they object to do so.

843. Are there more than 20 generally absent?—No; I should say on the average about 20.

844. What are the regulations with reference to the instruction in the school?—All prisoners under 16 years of age of either denomination, always attend the school; over that age they apply to me for permission to go, having perhaps previously asked the Roman Catholic minister or the chaplain that they may do so; if I find that they cannot read or write, I let them go.

845. What is the character of the instruction, secular or religious?—Secular entirely.

846. There is no religious instruction given by the schoolmistress?—No; nothing but secular instruction is given in the school; they are only taught to read and write according to the books used in the Protestant or the Roman Catholic school.

847. Religious instruction is given by the Protestant chaplain to the Protestants, and by the Roman Catholic chaplain to the Roman Catholics?—Yes, that is so.

848. Now, I come to the question of the laundry; what regulations are made with respect to the laundry?—When I first went there, some twelve years ago, and for many years afterwards, all suitable persons who could do hard work irrespective of any religion, were employed in the laundry. After the passing of the Prison Ministers Act the Roman Catholic prisoners were frequently sent for by their priests for confession and instruction, and that delayed the work so much, that I found it caused frequent wrangling amongst the prisoners, and consequent punishment. After considering the matter well, I thought it would be better to make a division. There are only four parts of the prison where prisoners work in association: the laundry, the oakum store, the kitchen, and the garden. The garden is considered the greatest boon of all, although there are only a few prisoners employed there; therefore I thought that, to avoid frequent punishment and reporting, it would be better to keep the Protestants in the laundry, and to employ the Roman Catholics in the oakum store and the garden, and both sects in the kitchen, where only a few are employed, and I acted upon that opinion until last July, when, in consequence of a communication from the priest to the visiting justices about a prisoner, I employed the Roman Catholics again in the laundry.

849. What is the date when Roman Catholics were first excluded from the laundry?—I cannot speak decidedly upon that point. I believe it is about two years since when I first made the arrangement in my own mind that they should not go into the laundry; but I did not take those out who were then employed there, because the prisoners, if they are well behaved, are retained in the laundry for six months, and I did not wish to remove them. Consequently, it was some little time before the arrangement was completed.

850. Did you make this distinction of excluding the Roman Catholics from the laundry with any object of throwing difficulties in the way of the Roman Catholic priest?—It certainly was not done for that purpose; quite the reverse. It was done in order that he might have greater facility in instructing them, and in order to prevent the punishments which had been so frequent before.

851. The committee have been told that the prisoners prefer the laundry work very much to any other sort of work?—Some of them do; it is the hardest work in the prison, but they equally like the work in the kitchen, and prefer the garden work to either.

852. Which should you say they prefer, the garden or the laundry?—The garden, decidedly, because there they are more at liberty: they are out hoeing and rolling the grass, and that sort of thing, and have the benefit of the fresh air.

853. And from the garden the Roman Catholics have never been excluded?—Never; they are exclusively employed there; there are no Protestants employed in the garden unless the surgeon has ordered the prisoners to be employed there so as to have more air, for the Roman Catholics are generally the strongest and most suitable in the garden.

854 Do you remember two prisoners named Mary Morgan and Margaret Parker?—Perfectly.

855. Of what religion did they state they were at the time of their admission?—Mary Morgan had never been in the prison before, and she came in and stated herself to be a Protestant, and was accordingly passed into the Protestant section of the prison. She came in on the 9th of December 1868 for nine calendar months, and was discharged on the 6th of September 1869, after she had been in the infirmary some months. She had a bad leg, and was removed by order of the doctor to the infirmary on the 19th of August, 1869. After she had been in the infirmary a few days and the chaplain had been reading,

ng, as is usual, on visiting this prisoner she old him that she was a Roman Catholic, and ot a Protestant. He asked her why she had aid that she was a Protestant, and she said be- ause she had had penal servitude before, and aving been sent again to prison, she expected hat she would have penal servitude again. At hat time the Roman Catholics were sent to the he Parkhurst Prison, in the Isle of Wight; she lid not wish to be sent away so far from all her elatives in London, having been at Brixton be- ore, and therefore she said she was a Protestant, o that she might be passed to Brixton, if she got enal servitude. The chaplain reported the cir- umstances to me, and said that as the woman vas ill, and had wished to see the priest, he oped that I would allow her to do so; I said I would do so immediately; I went across to the Roman Catholic section. Mr. White was then earing confession from a prisoner, and of course I did not interrupt him, but the warder attending im was present, and I desired her to ask him o visit this woman; I ascertained afterwards hat he did so; that is all I know about it. I eard that she had told him that she said she was a Protestant because she was excluded from the aundry, but she had not been in prison before, nd could not know the prison arrangements.

856. How long had she been in the prison before she stated that she was a Catholic?—She ame into the prison on the 9th of December 1868, and she confessed she was a Catholic about he 20th of August 1869, and was discharged on the 6th September 1869.

857. Do you remember the case of Margaret Parker?—Yes, I do.

858. When did she come in?—She was committed on the 9th of December 1868.

859. She stated that she was a Protestant?—She did.

860. She was sentenced to seven years' penal ervitude?—She was.

861. How long afterwards was it that she tated she was a Roman Catholic?—She never tated that she was a Roman Catholic; she had been twice before in our prison. She was committed on the 24th of April 1867, for six months, when she stated she was a Protestant, and on the th of August 1868 she was again sentenced to hree months, and then she entered herself as a Protestant; and then it was again on the 9th of December following that she was sentenced to even years' penal servitude.

862. Have you had any differences with Mr. White during the course of his ministrations?—Not that I am aware of.

863. Has any complaint been made to you hat the female warder attending upon him has been constantly changed?—Mr. White never complained to me. The magistrate who came down and spoke about my addressing the prisoners in the yard, asked me to allow the officer who had been with Mr. White to remain. I told him that it was not for me to decide whether an officer was to remain or not; that I must be guided by the visiting justices. It is the rule in that prison that the officers change their duty about once a month, and I have appointed three to take the duty for the Roman Catholic priest in rotation; they were then Protestant officers; I selected three of the best, that he might be well attended after the chapel was opened, as there were only three Roman Catholic officers in the prison. The magistrates then granted two extra officers that they might attend the service in the Roman Catholic chapel, and also requested that I would appoint one of them to attend the priest, thinking that it would be more convenient for him to have one attendant; therefore one was appointed; and after some time Mr. White complained that his rooms were not dusted properly, and that the books were not given out properly. I changed her on that account, and took another Roman Catholic officer. After she had been there some time she resigned the service. I then took another, who has remained ever since, with the exception of being taken off for night duty when in rotation with the other officers, and I have not heard that she has not given satisfaction. She also instructs the Roman Catholic prisoners in singing, as an order was given that the Roman Catholics should be instructed by their officers in the same way as the Protestant prisoners were instructed by their officers.

864. As I understand you, neither Mr. White nor Mr. Bond made frequent complaints of the frequent changes of their officers?—Not to me.

865. Mr. *Hutton.*] I wish to ask you about the Dissenting denomination; are they allowed a minister of their own persuasion to attend them?—If they ask to see one.

866. Have you had many cases lately of prisoners asking for that?—Not many. The only cases I have had have been from the Germans for a Lutheran minister, and from the Jewish prisoners for the rabbi.

867. Have you had any applications from the Wesleyans?—No; I do not remember any other minister attending since I have had the charge of the prison.

868. Have you had ministers applying to attend the prisoners?—Never. I never remember one of them attending.

869. Do the prisoners attend the English Church Service?—Yes, unless they object to do so.

870. I asked Mr. White about the accessories of the chapel that he bought and left there; are they now under your care in the Roman Catholic chapel?—They are in the Roman Catholic chapel, I believe; but I have nothing to do with them.

871. If they were lost, I suppose you would be accountable for them?—No; I am responsible for county property, but not for individual property.

872. Mr. *Synan.*] Before April 1868 all the inmates of the prison attended the Protestant service, did they not?—All that could be accommodated at the time.

873. Without any distinction as to whether they were Protestants or Roman Catholics?—Yes, unless they objected to go. If a Roman Catholic objected to go, of course she remained away; if she followed the rest, she was at liberty to do so.

874. Did you ask the prisoners individually whether they wished to attend; did you know those who were Roman Catholics and those who were Protestants before the Prison Act was passed?—Generally speaking, I know what religion they have given when they enter, for all who enter as Roman Catholics are sent to one section, and the Protestants occupy the other section; therefore, if a prisoner was in the Roman Catholic section, I should know that she was of the Roman Catholic religion.

875. Did you tell the Roman Catholic prisoners that

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that they were not bound to attend the Protestant service?—On that Sunday I did.

876. Not before that?—No.

877. You did not tell them that they were not bound to attend?—No.

878. Did you think it right to allow the Roman Catholic prisoners to attend the Protestant chapel without telling them that they were not bound by the prison discipline to do so?—I never considered it a portion of my duty to question them individually.

879. Do you think that the Roman Catholic prisoners might have gone to the Protestant chapel under the impression that they were bound to do so by the rules of the prison?—No, I think not.

880. Did you tell them that the rules of the prison did not bind them to attend the service?—The rules are read to them.

881. The prisoners are not able to read the rules of the prison generally, I suppose?—But the rules are read to them always on entering.

882. On the Sunday when the first Roman Catholic service was performed you did address them when they left the Catholic chapel?—Yes, I did.

883. And you have told us what you did say?—I have.

884. You told all those who were disposed, notwithstanding the Catholic chapel being established, and the Catholic service being open for them, to continue to attend the Protestant chapel, to hold up their hands?—I said, if there were any who wished to do so, let them hold up their finger, not their hand; I did not wish for any disturbance or show to be made about it. I understood the Catholic prisoners had said that they were shut in their cold cells when other prisoners were in the chapel, and I did not wish it to be said that they were shut out of the Protestant chapel, if they preferred to be there. They only had the Catholic chapel in the morning, and as they had been accustomed to go to service every afternoon, I thought those who would like to go still, would feel aggrieved if they were shut out without any explanation, and it was merely that they might know my reason for shutting them in, that I spoke to them as I did.

885. Had the Roman Catholic prisoners service both morning and evening?—They have now.

886. When did that commence?—I have not made a note of the date.

887. How soon after the 12th of April 1868, had they that double service?—I should think about two or three months, as near as my memory serves me.

888. On the 12th of April 1868, were you aware that they would not have evening service in the Roman Catholic chapel?—Yes, and that was my reason for speaking to them. I told them that they had been in the morning, but that they would not go in the afternoon, that they were not obliged to go to our chapel if they did not wish to do so, but could remain in their cells; if they wished to come to our chapel they could do so, but I did not wish them to do so, only there was no afternoon service for them at that time.

889. Did Mr. White tell you, on the 12th of April 1868, that there would be no afternoon service?—The visiting justices told me the day before that there would be morning service, but that no provision was made for afternoon service, in the Roman Catholic chapel.

890. Were some of those prisoners whom you addressed at that time, and to whom you said that they might, if they wished, attend the Protestant chapel, engaged in the laundry at that time?—Yes, there must have been some of them, but not on the Sunday.

891. How many of those held up their finger?—Five or six.

892. Was that the number who were in the laundry?—No, I should say not, because those who were in the laundry would be in a different yard; they are divided for exercise into different yards, according to the time they are in prison, and those would have been principally second and third yards; it is principally the long term prisoners who would be in the fourth yard, or the laundry.

893. How many long term prisoners would have been there at that time?—I could not say.

894. Were the laundry prisoners in a separate yard, at that time?—No, they were with a great many others prisoners, Roman Catholics, and others who were sentenced for long terms of years or months.

895. Were not you addressing all that came out of the Roman Catholic chapel after service that day?—Yes.

896. How many would that be?—I suppose about 170; the chapel was full.

897. And were the laundry people amongst that 170?—Yes, they were.

898. When you told them that they could attend the Protestant service after leaving their own service, they replied, "God bless you"?—Yes, when I had finished my address; I am bound to say, that I think the Roman Catholic prisoners were pleased to have a service of their own; I said that they had attended mass that morning in the Roman Catholic chapel, and would always have an opportunity of doing so; I told them that they were not obliged to attend our service again, unless they wished it; and when I had finished my sentence, they said, "God bless you, matron." I presume that that meant thanks for attending their own service, and not ours.

899. You concluded your address by telling them that if they wished to attend the evening service in the Protestant chapel, they could do so?—Yes.

900. Then, of course, everybody could interpret that "God bless you," as they wished; now, you stated that it was considered an advantage by them to leave their cells to attend the Protestant service?—They considered it so.

901. And you thought they considered it so?—It was stated that they did not like to be shut in their cold cells when the other prisoners were in chapel.

902. Of course, it would be an inducement for them, if you told them that they could leave their cold cells and attend the Protestant service?—I did not put it in that way.

903. They might think so?—I do not think they did; I said they could do as they thought proper.

904. Do you recollect on the 12th of April 1868, what was the number of Roman Catholics in the prison?—One hundred and seventy-three.

905. In 1869, there were 220, according to these returns?—I believe there were; our numbers were very high at that time, both of Catholics and Protestants.

906. The chapel accommodation was for 170, and

ınd you say the average number absent would ›e 20?—In such a case as that of course, it would ›e more, but I am only speaking of those who were absent from illness. and prevented from ›oming. We always filled the chapels.

907. Then there must have been some absent rom want of accommodation?—There must have ›een.

908. Where would they be?—In their cells; t is a separate prison; they are all in separate ells everywhere, excepting those places where hey do association work.

909. Were they allowed to go from their cells o that Protestant service of yours?—No.

910. There was only one schoolmistress in the rison?—No, only one that is really a school- iistress.

911. Are there assistants?—No.

912. Are there no Scripture readers?—There re no Scripture readers.

913. We have it in the evidence of Mr. O'Brien hat there are?—There is no Scripture reader in he Report; there are two who are marked as choolmistresses, but one of them used to be the choolmistress, and performed the duty of a ›arder; she was promoted to attend to the haplain, and the Return has unfortunately made mistake in putting her down as a schoolmistress; here is only one schoolmistress for the whole of he prisoners.

914. What are the others doing?—There are nly two in the Return; one is exclusively em- loyed in teaching, and the other now attends he chaplain in taking prisoners to the reforma- ›ries, and so on.

915. The education given by the schoolmistress s totally of a secular character?—Totally ecular.

916. The education of the Roman Catholic risoners, is attended to as well as that of the 'rotestant prisoners?—Yes.

917. The Protestant chaplain attends to give eligious instruction?—To his classes; he is not here when the Roman Catholics are in the chool.

918. Who looks after the separation of the oman Catholics and Protestants at the time of struction?—I do; there is a separate class ntirely. The schoolmistress takes the Pro- estants from the C and D sections, and the Ro- an Catholics from the B section.

919. The laundry, I suppose, is an object that he prisoners wish to attain?—Yes, generally, ney like it; particulary those who are very hard orking women; it is the hardest work in the rison, and in consequence of that, as we do a ery large amount of washing, a little extra diet as been given in the laundry, but there are a great any prisoners who cannot perform the work.

920. What privileges are there which makes more acceptable than the other diet?—They ave a little cocoa.

921. And an extra share of beer?—No beer all; that has been excluded since the new ietary came in; no beer is allowed except to he sick prisoners in the infirmary.

922. But it is looked upon by the prisoners as ore agreeable employment than the ordinary nployment?—It is so, I think. I am constantly ked, "May I go to the laundry?" "May I go the oakum store?" or, "May I go to the tchen?" The kitchen is liked better than the undry, as the work is not so heavy.

923. You excluded Roman Catholics, from 1868 up to last July, from the laundry?—Not exactly from 1868, but as their time expired; they were not excluded if they behaved well; if they were reported, and ordered punishment, of course they were taken out before their six months expired. I cannot say exactly the time when they were all out of the laundry.

924. But it was after the Catholic service was established in the prison?—Yes.

925. You cannot say how long after it was established?—No; it might be perhaps the following February, or perhaps a little later, before the last Roman Catholic prisoner would come out of the laundry.

926. It was in consequence of the complaint of Mr. White, that the prison authorities ordered you to readmit them to the laundry?—I believe it was; the prison authorities inquired of me why they were excluded, and I gave them my reasons, and they said that they would rather there should not be any distinction made; that the prisoners should all go there, and therefore they have since done so. I have had occasion since to separate them very frequently, it has caused so much reporting; only a short time since, I had to turn a prisoner out for making use of bad language, and saying she would not work with the Protestants.

927. You stated that your reason for refusing to allow the Catholic prisoners to work in the laundry, was because their religious instruction took them away from the laundry?—Yes, it did.

928. Did the religious instruction take the Protestant prisoners from the laundry?—Yes; a part of the time.

929. What part of the time?—Perhaps a qurter of an hour or 20 minutes.

930. Why does it take them a shorter time than the Roman Catholics?—Because I presume the confessional instruction of the Roman Catholic priest takes longer than that given by the chaplain to the prisoners.

931. And it was on account of their being taken away for a shorter time than the Roman Catholics, that you excluded the Roman Catholics altogether?—It caused so much wrangling, and the water became cold; there was constant confusion in the laundry.

932. But all the Roman Catholic prisoners in the laundry would not go away at one time?—No.

933. Would that be any reason for excluding the whole of them?—No, I really did it to prevent so much punishment; I thought it was better for the general discipline of the prison.

934. And although it was because the Protestants went for a shorter time for instruction than the Roman Catholics, for a portion, you excluded the whole?—Yes, I did.

935. Now, with reference to Mary Morgan, who was never in the prison before, might she have been acquainted by Parker, who was in the prison before, with the prison rules; Parker, you state, was in the prison several times?—Yes, she was.

936. And she was in the prison twice before Morgan was admitted?—Yes, she was.

937. The two seemed to be acquainted with each other, did they not?—I doubt it; they were in distinct prisons.

938. From the statement of the priest, I gathered that they knew each other?—I cannot tell that; I can only say that Margaret Parker has

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has always been a Protestant, and I know that her children were in the Protestant school, because some ladies came to make some inquiries about her when she was with us, therefore, I know she has always been a Protestant.

939. When you say "always," do you mean that she has been a Protestant from her youth?—Yes, I believe so; she gave her religion three times as a Protestant; she never complained to me, and I never doubted the truth of her statement until she was gone. She had gone to Brixton when Mary Morgan made that statement.

940. You believe that the statement of Mary Morgan was false?—Yes, I believe her to be a very bad character. I know that she was a terror to some of the prisoners in our prison.

941. When did you first find out that she was a bad character?—I could soon find that out from her conduct in the prison.

942. Was she in the laundry?—No; she had not been with us long before she had a bad leg, and I would not put an invalid in the laundry.

943. She stated that she declared herself a Protestant in order that she might be put into the laundry?—I have no doubt that she stated that to Mr. White, but her statement to him was different from that made to the chaplain.

944. She stated that being a Roman Catholic, interfered with her being sent into the laundry?—It might have interfered, but she had not been in the prison long enough to be put into the laundry.

945. Now, with respect to the essentials of the Catholic service, you stated that you considered them private property, and were not responsible for their safe keeping?—Certainly; I have nothing to do with the Roman Catholic chapel.

946. They are not in the custody of any responsible authority?—I have nothing to do with them. I go up to see that the room appointed by the magistrates is in a proper state of cleanliness, and that there are a sufficiency of benches. There is an altar which I know the authorities provided; but beyond that I have nothing to do with the chapel. I do not know anything of the decorations of the chapel, or anything beyond what I have stated.

947. Who is responsible for the fittings up, and the table, and the carpet?—I say that the altar table and the carpet round the altar are in my custody.

948. You are responsible for them?—I am responsible for them.

949. You do not consider yourself responsible for the other things?—Not for any vestments or articles of that sort which may have been there; they have never been given into my charge.

950. Mr. *Walpole.*] Are those things kept regularly in a box, or what?—I believe they are kept in a press in the room used by the priest; he has the key I believe; it has never been given to me.

951. When prisoners are first admitted into the prison, even before the recent Prisons Act, were they not always thoroughly informed of all the regulations connected with the prison, and the attendance upon religious services?—Yes, the rules were read to them.

952. If they cannot read them themselves, are the rules read so as to be intelligible to them?—Yes, they are.

953. Have you any reason to suppose that the prisoners in the prison are not fully acquainted with the rules relating to their attendance upon the religious service?—I have not a doubt that they fully understand them. I always see them myself before they pass into their cells, and ask them if they have heard the rules read, and whether they understand them, and express a hope that they will keep the rules.

954. Mr. *Downing.*] If I understand you rightly you told the Committee that there were Dissenters in the prison?—I believe there are.

955. How do you account for it that this prison appears to be the only one in which that fact is not set forth; here there are only "Protestants" and "Roman Catholics"?—The returns are made to me weekly; the different religions are not set out; there are so few Dissenters, and so few Jews and Lutherans, that I suppose it has not been copied in that return; they appear in our own prison return.

956. Has anybody a register of those who are admitted?—This (*producing a volume*) shows the number in custody, those destined for penal servitude, and those discharged, the number of infirmary patients, and the number of Irish and foreigners.

957. That return does not contain any column which relates to the religion of each prisoner?—It is not in this book.

958. Are they so entered in any book?—I think they are in the statistical return. There is a register kept in the office, of every prisoner's religion and age, and the number of times she has been in prison. All those particulars are taken down, and therefore we can always speak to their religion.

959. Are you aware, since you have been matron, that any Dissenters have been visited by ministers of their own Church?—It has never happened in my time.

960. There are only two clergymen who attend; one is the Protestant clergyman, who is paid, and the other is the Roman Catholic clergyman, who is not paid?—A Jewish rabbi has attended the Jews, and a Doctor Shael from the Savoy has attended the Lutherans.

961. Now, with regard to the 12th of April 1868, did I understand you to state that on that date there were prisoners in the laundry?—No on the Sunday, but they were working on the week day in the laundry.

962. I think the Committee understood that they were working there on the Sunday?—No I merely meant that they were working there on the week day, and were in their cells and attending the service on Sunday. The laundry is closed on the Saturday night.

963. Whatever you did say to the Roman Catholic prisoners after mass, was about 10 in the morning?—About half-past 10.

964. Did you ever previously say to those Catholic prisoners, before a chaplain was ever allowed to attend, "You need go to the service"—No, I do not remember having done so; it has always been the practice for prisoners to follow on to chapel, and I had not departed from the practice.

965. Lord *Henley.*] Every prisoner sees the Protestant chaplain on her entrance into the prison?—Yes.

966. Do you know what passes between them—The prisoners are asked what religion they are, and after the chaplain has spoken to them if he finds that they are Roman Catholics he advises them to keep the rules, and gives them little

tle caution, and then they are taken to the oman Catholic section.

967. He does not give them religious advice, believe?—No, not the slightest.

968. Is there any one by?—Yes, there is always a warder by; it is the invariable rule.

969. Viscount *Enfield.*] There are some benelent Protestant ladies who visit the prisoners, e there not?—At the present time there are ly two; there were at one time seven admitted, t two have since died, two never come, and e seldom comes. Two continue to attend, one them has been in the habit of attending for years, and is now quite an old lady.

970. Does she attend about every week?—nerally about once a week.

971. What are the regulations with regard to visits of those ladies; are they allowed to go and visit the prisoners at any time when they doing any work?—The ladies go in accomnied by a warder; the warder is always preit, and hears the conversation. The second y is a lady who is a linguist, and she has been material assistance in aiding me with foreign soners, such as Germans and Italians; I could understand them, and it was a great assistce to me for her to come and explain the rules them and ascertain if they had every proper ention.

972. Did you ever hear of an application by he Roman Catholic ladies for permission to it the prisoners under the same restrictions as Protestant ladies did?—I did hear of it.

973. Did the visiting justices mention the subt to you officially, and ask your opinion as to ether those ladies might be allowed to visit the son?—No, my opinion would not be asked in h a matter.

974. But the visiting justices constantly refer you, do they not, upon a matter of opinion, for ir judgment?—They may do so, but not in t way.

975. Did you ever hear a Roman Catholic soner allude to the fact that Protestant priers enj yed the visits of those ladies, and that man Catholics did not?—No complaint was r made to me of that kind.

976. Do you think, that under the same rections, the same beneficial results which are ntioned in the annual report by the chaplain year to the court of quarter sessions, as ing been derived by Protestant prisoners from benevolent services of Protestant ladies, ht be enjoyed by the Roman Catholic priers?—Yes, I think it would do good if there no legal objection, and if the visiting justices roved of it; I should certainly have no objec- to it.

977. Mr. *Dalrymple.*] I understand you to that on the 12th of April there was only one man Catholic, but two Protestant services held hat day?—That was so.

978. Did you mean to say when you made e remarks, that the Roman Catholic prisoners the option of going to your chapel in the rnoon, or of remaining in their cells?—Yes.

979. You said, that in order that the Roman holic prisoners might not feel less well off than Protestant prisoners who had the chance of g to the afternoon service?—Yes.

980. Am I right in thinking that many of n would think it a pleasure to go to any ice?—I am certain they would, entirely for sake of the change from their cells.

981. And your desire was, that irrespective of the character of the service, they might have the opportunity of going to it, if they chose?—Yes.

982. When was the second Roman Catholic service began?—I think about three or four months after that.

983. I understand you to say, that there is only one schoolmistress employed in the prison?—That is all.

984. Will you inform the Committee what is the number of women that receive instruction from her?—There are about 70 in the course of the day. They go up in different classes, about 20 at a time, for an hour; but our numbers attending the school fluctuate very much.

985. Mr. *Talbot.*] With reference to the day of the week, you stated, when the Roman Catholic priest came, and when the services were held but I do not know whether it is clear to the Committee how often the Roman Catholic priest comes; does he come every day?—Generally; particularly lately; recently he has been there daily, with very few exceptions.

986. How much time does he spend there, on the average?—About two and a half hours. He generally comes about 10, and leaves a little after 12.

987. There is a daily Roman Catholic Service in the chapel, is there not?—Yes.

988. How much time does the chaplain of the English church spend in the prison?—He is generally there from about nine in the morning till about five in the afternoon.

989. The whole of the day, in fact?—Yes. His whole time is given up to his services in the prison. He has to attend to two-thirds of the prisoners.

990. Mr. *Knatchbull-Hugessen.*] In the address which you made to the prisoners, it did not strike you that it could be interpreted that you were in any way throwing the weight of your authority to influence the Roman Catholic prisoners to attend the Protestant rather than the Roman Catholic service?—Certainly not. I should be very sorry that that should be thought.

991. If such an interpretation was put upon the address, it was entirely contrary to your intention?—Certainly; and so I told the Roman Catholic gentlemen who came down to speak to me about it; it was merely to protect the flock from punishment that I did that.

992. You see no reason why, as regards the religious instruction, Roman Catholics and Protestants should not be upon the same footing, when they come unhappily under the law?—I see no reason; at present there is no distinction.

993. *Chairman.*] I think you addressed the prisoners in other yards, as well as the yards to which you have referred?—There are only three yards in which the Roman Catholics do exercise and I spoke to them in each yard the same words; I thought it better to address them collectively, than to go round to their cells; it was done in the presence of the warders.

994. Did you ever suggest to the Protestant prisoners that they might attend the Roman Catholic worship?—No, because there was ample provision for them in the chapel; there were two services, but at the same time there are many prisoners who change their religion; many Protestants come in as Catholics, and Catholics come in as Protestants; they repeatedly change it.

995. But supposing that there was not at pre-

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sent an afternoon service on Sunday, would not that fact act as an inducement to Catholic prisoners to go to the Protestant service on Sunday?—I do not quite understand the question.

996. If there were no afternoon service on the Sunday for the Catholic prisoners, and if the Catholic prisoners who did not attend the Protestant worship would be locked up in their cells, do you not think it very probable they would wish to leave their cells and go to the Protestant service?—No doubt, because they are so ignorant that if it was contrary to their religion they might prefer to do so, but I did not intend it as an inducement.

997. But it would be a strong inducement, nevertheless; in your experience they prefer to go anywhere rather than stay in their cells?—Anywhere to get out of their cells.

998. Prisoners of other denominations, with the exception of those you have mentioned, the Jews and the Lutherans, are quite willing to receive the ministrations of the Protestant clergyman?—Yes.

999. They make no objection whatever?—Not the slightest; I never heard of any.

1000. You say that the Protestant chaplain asks the prisoners when they first come into the prison what is their creed?—Yes.

1001. That information is given to him?—The prisoner gives it to him; it is marked down when they first enter, and their religion is recorded against them.

1002. But it is through the Protestant chaplain that that information is derived, and the registry is formed?—They are asked that question when they enter, and their reply is entered against them; then when they go to the chaplain the next morning he again speaks to them, and asks them that question.

1003. Then I gather that the register is formed from information given to some person other than the chaplain?—It is formed from information given to the clerk in the office when he takes the committals; he asks what religion they are.

1004. What necessity is there that that question should be asked again by the chaplain?—The chaplain has been there for 35 years, and it has always been the practice that he should see all prisoners upon their entrance.

1005. But do you see any necessity, after the information has been given upon their entry, that it should be given a second time?—Only for this reason; that sometimes when they come in at night they are hardly accountable for their actions; they may be in a drunken state, and the next morning they may say, I did not mean to say I was a Roman Catholic, or Protestant, but the reverse, and then the chaplain converses with them, and if he finds they were not in a proper state to give their religion at that time, I go down and see the prisoners, and under those circumstances I alter the register, if it is done at once.

1006. Under those circumstances, where it is a matter of doubt, do you not think it would be more prudent, to prevent any possibility of suspicion, that that information should be given next day to any other officer rather than the chaplain?—No doubt it would; I might suggest that to the visiting justices, and perhaps they might accede to it.

1007. Do you not think that you might be enabled with advantage to prevent the possibility of that suspicion?—Yes, I think so.

1008. Sir *John Pakington.*] I presume, from what you have stated to the Committee, that when a prisoner is first brought in, the statement of her religion is only one of a series of questions put by the officer who receives her?—When a prisoner comes in, she is taken to the office at the gate; she is asked her name and her age, which is recorded, and then her religion; that is recorded against her, and also the number of times she has been in prison.

1009. The next morning, whatever her religion may have been declared to be, she has an interview with the chaplain of the prison?—Yes.

1010. Who is present at that interview?—The officer that has attended him for many years, who has been misnamed in the Return as a schoolmistress.

1011. It is not a private interview?—No, an officer is always present; the chaplain never sees any prisoners in the infirmary or any part of the prison without an officer being present.

1012. Supposing a woman, the next morning, when she has an interview with the chaplain, repeats the statement she made the previous night that she was a Roman Catholic, could you say what conversation ensues upon that?—The chaplain has told me (of course I have not been present), "I do not have any further conversation with her upon religion; I merely say, 'Now keep the rules,' and I give her a little moral advice.

1013. The chaplain does not press them, does he?—No, he does not.

1014. In your opinion, would it be better the next morning, in the case of a woman who has declared herself a Roman Catholic, that her interview should be with a Roman Catholic priest rather than the Protestant chaplain?—She sees the Roman Catholic priest when he comes; it may so happen, as the prisoners are taken in rotation, that there may be a great number of Protestants who go in, and the priest might be waiting for the prisoners, and so would see them first, if there were a great many.

1015. You have mentioned just now in answer to an honourable Member, that a Jewish rabbi had seen some prisoners, and that a Lutheran minister had seen some prisoners?—Yes.

1016. How often has that occurred?—I should think four or five times a year.

1017. It is a matter of constant occasional occurrence, then?—Yes; if any of the prisoners wish to see such a minister, they merely ask the chaplain or myself to be allowed to see him.

1018. Do you find that you generally have Jewesses or Lutherans in the prison?—Very few Jewesses, but we have had very many Lutherans in the prison.

1019. And of course such foreigners enter themselves as Jews or Lutherans on their entry?—They do.

1020. Is the Jewish instruction offered them by the authorities of the prison, or do they apply for it?—They apply for it. They are told by the rules that if there is any prisoner differing from the rules of the Roman Catholic or Protestant persuasion, they can see a minister of their persuasion, and then I invariably write, and a minister attends.

1021. When you so write you find a minister always attends upon your intimation?—Yes.

1022. In those cases I apprehend there is no payment awarded to those ministers?—No, none any.

1023. Mr. *Downing.*] Did I understand you correctly when you stated this, that a prisoner brought

brought in the evening is asked by the officer to what religion he belongs, and that if she enters herself as a Roman Catholic she is seen in the morning by the Protestant minister, who repeats the question?—Yes.

1024. Then if she says in the morning, to the Protestant minister, "I am a Protestant," he communicates that to you, and you, without any inquiry, enter her as a Protestant?—No, not without any inquiry from her; but it is of very rare occurence that it is so changed. If it does so happen, and the chaplain calls my attention to that woman, and says that she has declared herself a Roman Catholic, and did not intend to do so, but is really a Protestant, I go and see her, and if I think she was not in a fit state to answer at the time then I have the register altered, but I do not make those alterations if it is a week or ten days after they come in; it is only supposing they are not responsible for what they say at the time, being under the influence of drink.

1025. Are the Committee to understand that you will not alter the entry of religious denomination without inquiry from the woman herself?—I will not.

1026. Mr. *Synan.*] You stated to the Committee that the exclusion from the laundry took place in 1868; was that a mistake upon your part?—I think I commenced the alteration in 1868, but I said that I believed it did not terminate till some months after that, and it might have gone on till the early part of 1869.

1027. Did it commence in 1867?—No, not that I am aware of.

1028. Take that letter in your hand (*handing a letter to the Witness*); did you communicate to the authorities that it commenced in 1867?—No; I said it commenced about two years previous.

1029. What is the date of that?—1869; it is such a large prison, that I cannot remember everything that takes place.

1030. Mr. *Hutton.*] You stated that a warder is present when the chaplain sees the prisoners; is that the case when the Roman Catholic minister sees the prisoners?—There is a glass panel in the door in the priest's room, and the officer stands outside of that door, so that she is within sight, though not within hearing; the reason of that is, that prisoners will often make very erroneous statements, which might lead to difficulty; the warders see what takes place, but do not hear; I might add, that register of the religion is at the lodge, and can be seen by the Roman Catholic priest, as well as the chaplain, whenever he comes to the prison; he has free access to it.

Monday, 4th April 1870.

MEMBERS PRESENT:

Mr. Dalrymple.
Mr. Dimsdale.
Mr. Downing.
Mr. Robert Fowler.
Lord Henley.
Mr. Holt.
Mr. Hutton.
Mr. Knatchbull-Hugessen.
Mr. Maguire.
Mr. Matthews.
Mr. O'Reilly.
Sir John Pakington.
Mr. Synan.
Sir John Trelawny.
Mr. Walpole.

JOHN FRANCIS MAGUIRE, Esq., IN THE CHAIR.

The Rev. Dr. Æmilian Kirner; Examined.

Rev. Dr. *Æ. Kirner.*
4 April 1870.

1031. *Chairman.*] WHAT prison do you visit?—Coldbath Fields House of Correction for men.

1032. How often do you visit that prison?—I visit the prison four days in the week, and also on Sundays.

1033. What time do you give to your visits on week days?—I am there from half-past nine up to nearly one.

1034. You visit the prison four days in the week?—Four days in the week.

1035. How long have you been allowed to attend four times in the week?—I was allowed to attend only three days in the week up to last August or September, when I saw it was impossible for a great number of prisoners to attend, and I therefore applied to the visiting justices, and was consequently allowed another day; the Wednesday.

1036. You also attend on Sundays, you state?—I do.

1037. At what time on Sunday do you attend?—From 9 o'clock to 11.

1038. Have you mass on Sundays?— Mass, sermon, and prayers.

1039. Have you an evening service on Sunday?—We are not allowed any evening service on Sundays.

1040. There is a Protestant service on Sunday mornings, is there not?—There is a Protestant service held on Sunday mornings.

1041. And also on Sunday afternoons?—And also on Sunday afternoons.

1042. I believe you are not allowed to have an afternoon service?—We are not.

1043. Did you apply for permission to have it?—We have applied; I think my predecessor applied, but the reason the visiting justices gave was, that the Protestant prisoners went only by moities to their service, half in the morning, and half in the evening; that is to say, strictly speaking, there was only one service for the Protestant prisoners as well as for the Catholics.

1044. Will you inform the Committee what is the number of Protestant and Catholic prisoners?—The average number is 2,000, Catholic and Protestants.

1045. How many Roman Catholic prisoners would there be out of that number?—The average number of Catholic prisoners is 385 or 390; in round numbers, you might say about 400.

1046. You are also obliged to attend the infirmary, are you not?—I am obliged to attend the infirmary.

1047. If you happen to be called at any hour of the night; supposing such a case should arise, you are obliged to attend, are you not?—We are obliged to attend, and we have had to do so.

1048. I believe, according to the rules of your church, a Roman Catholic clergyman has no option, but to attend under such circumstances?—We have no option whatever, under any difficulties, or any inconvenience.

1049. Even if a clergyman is ill, he is bound to go?—If he can walk, he is bound to go.

1050. Are you allowed to assemble the prisoners for the purpose of instruction, every day you attend?—We are only allowed to assemble them on Sundays. In the week days, I am only allowed to assemble 12 at a time, but as the number is so great, and I have to attend to their confessions, it is inconvenient for me to see only 12 at a time; in fact, I have scarcely time to attend to the 400.

1051. Do you consider that that is not only a great labour to you, but very disadvantageous to the prisoners?—It is.

1052. If you were allowed to assemble the prisoners together, you could, of course, teach a larger number in the same time?—Yes, and it would save time to myself.

1053. The instruction given to one, would be instruction given to all?—It would.

1054. When were you first allowed to hold the worship of your church on Sunday?—I think it was in 1867.

1055. There are certain necessaries, such as altar plate, vestments, and other matters, which are essential for the carrying on of the Catholic service?—There are.

1056. Without which there can be no service?—There can be no service without them.

1057. If you have not sufficient altar plate you cannot have mass?—We cannot; it is essential to have all the requisites for the service.

1058. Hav

1058. Have the visiting justices provided you with anything?—They have only provided a table; all the other essential things have been provided by the visiting priest.

1059. The authorities have provided you with the fixtures, have they not?—They have only provided a table; there are no fixtures in my chapel.

1060. You have to supply all the necessaries yourself, I believe?—All the other essentials.

1061. Do you receive any payment for your services?—None whatever.

1062. To what congregation are you attached?—I belong to the Hatton-garden congregation.

1063. Is that a very poor district of London?—It is very poor.

1064. Is your congregation especially poor?—It is so, as is generally known.

1065. Of what class is it mostly composed?—Of labourers, costermongers, and a very few small tradespeople; it is composed of working men of all kinds.

1066. I suppose mostly those people are either Irish, or the children of Irish?—They are nearly all so, or Italians; there are a great number of Italians there.

1067. Those people are, as it were, condemned to the very poorest class of labour?—They belong to the very poorest class.

1068. You have stated that you receive nothing for your services to this prison?—I receive nothing.

1069. Is your time very seriously interfered with by such attendance?—It is, as I am there so many days in the week, and the work is very laborious indeed.

1070. Is it especially laborious to you in consequence of the difficulties in your way?—Especially so; and also in consequence of the class of people I meet with there.

1071. They are an ignorant class, of course?—Very ignorant indeed.

1072. Then your difficulties are increased in consequence of that?—They are.

1073. When you return from that prison, say, at one o'clock or after that, are you really in a state to carry on your missionary labours with that vigour which they require?—I am considerably fatigued after coming out from the prison; and although I must attend to my other duties, it is with great injury to my health, because I have, as we may consider, already done a long day's work, having been in the prison for that number of hours during the morning.

1074. At all events, it is a serious inconvenience to your missionary work?—It is.

1075. Are you not therefore, more or less, a further upon those with whom you are associated in your missionary labour?—I am.

1076. Did you, at one time, catch a fever in discharge of your duties there?—It was stated by my medical attendant.

1077. You had a fever, had you not?—I had a typhoid fever.

1078. And it was stated by your medical attendant that that was in consequence of your attendance in the prison?—It was.

1079. Have you found that there has been a tendency, more or less, on the part of the Protestant authorities to interfere with the Catholic prisoners?—Such a case occurred last August or September.

1080. Will you state to the Committee what were the circumstances of that case?—It was officially given out in all the wards that any

Catholic who would wish to attend the Protestant service on Sunday afternoons could do so, and that they were to give in their numbers, and then on Sunday afternoons, as there was no service for Catholics, some of the Catholic prisoners, simply to get out of their cells and to get more liberty, attended the Protestant service; I considered it as a direct invitation, because some of the warders opened the prisoners cells and said "For church;" and then if a prisoner said, "I am a Catholic," the answer was "You will be locked up if you do not go;" therefore as I know the Protestant prisoners were only allowed to attend service once a day, as the governor had told me that, I thought it was an interference with the rights of the Catholics, to permit them to attend the Protestant chapel in the afternoon; moreover, I had not permission to hold service on Sunday afternoons, and I remonstrated in consequence to the visiting justices with reference to the order that was given out, and on the following week, by order of the visiting justices, a counter order was issued that no Catholic prisoners should be allowed to attend the Protestant service.

1081. By whom was that order given in the first instance?—By the governor.

1082. How did that circumstance come to your knowledge?—By several of the prisoners telling me that the order had been read out in all the wards in the morning by the command of the governor.

1083. This happened last summer, did it not?—Yes.

1084. Did the governor say anything to you about it?—He admitted it, when he told me the order was rescinded. He told me it had been done by him.

1085. But on your appeal to the visiting justices the interference ceased?—It ceased at once.

1086. When did you appeal to the visiting justices?—Immediately after I was aware of the order being given out.

1087. Within a few days?—Within a week afterwards, I think.

1088. Would it be useful to you to have some one to assist you in teaching your Catholic prisoners?—I think if the Catholics had daily service, as the Protestants have, and I had free access to the prisoners to be there at any time in the day, just the same as the Protestant minister has, I might manage to teach them all myself, of course devoting my whole time to them.

1089. You would have in your congregation most probably, I think, some people who have received teaching from you in the prison?—I have, I know, a great many who have been in prisons before, and who are now attending our church with great edification to all; whereas before they were anything but that.

1090. Without entering into the matter more fully, may I ask whether you are of opinion that if you were allowed free access to the prisoners, and could teach them fully as you desire, the result of that teaching would be beneficial to the prisoners hereafter?—I am quite sure of it, as I know by experience, that that has been the result.

1091. Is there anything which you would wish to state to the Committee, in addition to what you have already stated?—I should like to state that the Protestant minister has also been interfering with the Catholic prisoners, but I have stopped his interference with them.

1092. When

Rev. Dr. *Æ. Kirner.*

4 April 1870.

1092. When did that occur which you complain of?—It was up to the time when I remonstrated against the order given out by the governor. I remonstrated at the same time that the Catholic prisoners were called up by the Protestant minister, and received reprimands from him, although he knew they were Roman Catholics.

1093. What sort of a reprimand would that be?—A spiritual reprimand. He even asked them to give what they call a confession of what had been their crime.

1094. Have you any reason to complain of what you thought undue interference?—I have one case which occurred on the 17th September 1869, in which case the assistant chaplain sent for No. 340, a prisoner named George Wells, who had before entered as a Protestant, but afterwards, on being recommitted, came in as a Catholic. He was called by the assistant chaplain a "ranter," because he came in the second time as a Catholic.

1095. Is it your opinion that your spiritual authority would be assisted and strengthened by the fact of your being made an officer of the prison?—Decidedly so.

1096. By having the status of an officer?—The status of an officer, the same as the Protestant chaplain has.

1097. You think that it would have the effect of giving weight to your advice and your influence and authority with the prisoners?—It would; because they are under the impression that we are only tolerated; and when they apply to see priests, it sometimes happens that they are even mocked by the officers themselves, who say, "You are going to the priest to tell him all your sins," and so on. If the warders knew that the priest was an officer of the prison, they would not take such liberties.

1098. With reference to the priest being an officer of the prison, would not the priest also be bound to obey every rule of the prison authorities?—Every rule.

1099. Would the priest comply strictly with the discipline of the prison, and endeavour to maintain it in every way?—He would comply with it in every way.

1100. Is there anything you would wish to add to the evidence you have given?—I should state that the Protestant clergyman has now ceased to see Catholic prisoners, I think by order of the visiting justices, since I have made representations to that effect.

1101. Sir *John Pakington.*] How long have you attended the Roman Catholic prisoners in Coldbath Fields Prison?—Off and on I have attended them since 1864 or 1865; but lately, only now since 1869, near a year regularly. Before that time I attended occasionally, and also for a whole year from 1865 to 1866.

1102. What was the cause of your attendance there being intermittent?—Sometimes another clergyman was appointed in my place to attend there, my services being required in the parish in another direction, which would not allow me time to see the prisoners. In another instance, I had to serve missions in America, and that was an interruption; and on my return, of course, I was again charged with the same duty.

1103. You were not removed on account of any complaint being made of your conduct, or on account of any difference with the authorities of the prison?—Never.

1104. Have you any room in the Coldbath Fields Prison which is set apart as a chapel for the Roman Catholic prisoners?—We have the old Protestant chapel now devoted to the use of the Catholic prisoners.

1105. I presume from that answer, that a new Protestant chapel has been built?—That is so.

1006. How long ago was that?—It is now, I think, nearly two years since.

1107. Where were the Roman Catholic prisoners attended to, before the erection of that new chapel?—They were attended in other rooms, which were not large enough, so that some had to be seen in the morning, and some in the afternoon; but that was not during my time.

1108. Is the old chapel in which you now see your congregation adequate for the purpose?—It is.

1109. Is it large enough to accommodate all the 400 Catholic prisoners?—It is, but sometimes there are more than 400 Catholics, and the chapel is adequate to accommodate 600 or 700.

1110. You have only one service on Sunday, I believe?—We have only one service on Sunday.

1111. As the Roman Catholic prisoners are so well accommodated in point of room, why is it that you have only one service?—I am not allowed to have more.

1112. Have you made a request to the visiting justices?—I think it has been requested by my predecessor, and I think I have requested it myself; but the answer was, that the Protestant prisoners had two services, because there were 1,600 prisoners, and their chapel not being large enough to accommodate them all, part were sent in the morning, and part in the afternoon.

1113. Practically, the argument was, that the Roman Catholic prisoners are in the same position as the Protestants, because for the reasons you have mentioned, the Protestant prisoners could attend only once in the day?—Only once in the day.

1114. With so large a number of Roman Catholics, and, I presume, only one minister, why is it, under those circumstances, that you only go four days in the week?—I was only allowed three days up to last August, and then I applied for another day, immediately after I heard that something had occurred in the prison at Westminster, as I thought it was a good opportunity for applying for another day, and I was allowed another day.

1115. Do you now think it desirable for the spiritual interests of your congregation that you should attend every day?—I think it is necessary that I should attend every day.

1116. Have you applied for leave to attend every day?—I have not, because when I was given the fourth day it was explained to me that this fourth day was only given to me for my purposes, as far as it was necessary, and that if my business could be managed within three days, I should not be allowed to attend the fourth day.

1117. Who undertook to be the judge of that necessity?—I suppose the governor or visiting justices. I sent in my application in writing; but I received an answer by word.

1118. Then do I understand that you sent in an application to the governor for the fourth day?—I sent in my application to the visiting justices for the fourth day, and the fourth day was granted for all occasions when it was necessary.

1119. Wa

1119. Was any explanation given of why that permission was so granted?—No explanation was given.

1120. Have you applied in writing for permission to attend the prison every day?—I have not.

1121. Why not?—At first we were only allowed three days, and then when I received the fourth day, under such conditions, I thought it useless to apply for anything further, as I thought it would not be granted.

1122. Did the answer that you received on that occasion come from the governor or from the visiting justices?—From the visiting justices through the governor.

1123. How do you know that it came from the visiting justices?—Because the governor mentioned it.

1124. Was the answer you received a written answer?—No, it was not.

1125. Who provided all the requisites for Divine service, over and above the table?—My predecessors.

1126. No allowance was made for it, I suppose?—No allowance whatever.

1127. You told the Committee that the Protestant chaplain had interfered with the Roman Catholics?—He has.

1128. In that answer, did you refer to the regular chaplain, or to the assistant chaplain?—I think both of them occasionally call the Catholics; but the case I mentioned had reference to the assistant chaplain.

1129. What was the nature of his interference?—I thought it was interfering with them, to call the Roman Catholic prisoners.

1130. I understand by your expression "calling the Roman Catholic prisoners," you mean that the Protestant chaplain occasionally sent for the Catholic prisoners?—The Protestant chaplain sent for the Catholic prisoners.

1131. Have you been directly informed by those prisoners what passed on those occasions?—I have, on some occasions.

1132. What was the nature of what passed?—In one case, I know the prisoner was questioned with reference to the crime he came in for, and he got a reprimand for it in very harsh terms; he said he was not pleased with him at all; it was generally on those subjects.

1133. Was there any attempt in any of those cases, as far as you know, to proselytise prisoners?—No.

1134. You mentioned one particular case, I think, of a man who has been twice in the prison, and the first time he represented himself to be a Protestant, and the second time he came in as a Catholic; I suppose it might be allowed to the Protestant minister in that case to feel some doubt with reference to what that man's religion was?—I should say not.

1135. Why not?—Because if the prisoner comes in the first time as a Catholic, and the second time as a Protestant, I am not allowed to see him.

1136. But in the first case, he came in as a Protestant?—Yes; the first time he came in as a Protestant, and the second as a Catholic, and therefore the Protestant minister questioned him, and asked him why he came in as a Catholic this time?

1137. That was a very natural inquiry under the circumstances, was it not?—I should say so, because the man was at liberty to declare whatever religion he likes, and when once he declares himself a Catholic, I consider the Protestant minister has no right to see him.

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1138. He would not go back to the former declaration, you think?—On the first committal the prisoner came in as a Protestant.

1139. Do you believe he was a Protestant?—No.

1140. Why did he say so?—Because prisoners thought (although it is not true now) that they would be treated in a better manner as Protestants than as Catholics.

1141. How many instances have you known of either the chaplain, or the assistant chaplain, questioning prisoners in the manner you describe?—I only know of this case; but I know that it had been always the custom to call Catholic prisoners until I remonstrated.

1142. You say you cannot remember any other instance of Catholic prisoners being questioned by the Protestant chaplain?—I am almost of opinion that it was the constant practice, up to that time.

1143. That is rather a vague expression, is it not?—I think it is the fact.

1144. Could you inform the Committee in how many instances that has occurred?—The Protestant chaplain does not call every one, but certainly he must have called a great many; it was an understood thing that the prisoners were to go to him. I have another case here, where No. 1795, in the D Wing, William Flannigan, was asked to go and see the minister, and upon his refusing, the officer replied that he was bound to go. The prisoner, however, persisted in not going, and it was then left off.

1145. When was that?—I got the information from him last August. I have here several more cases; No. 1120, was sent for by the Protestant minister; No. 1185, Ignatius Holly, was sent for by the Protestant minister; No. 889, E Wing, Thomas Conner, was sent for by the Protestant minister, and I could give other instances if the Committee wished it.

1146. You have all those cases, which you can produce, if necessary?—Yes; I took them all down on one day, out of 24 prisoners that I saw one morning.

1147. It appears to have been in consequence of these numerous cases that you made a remonstrance?—It was.

1148. To whom?—To the visiting justices, in writing.

1149. You wrote a letter to the visiting justices, did you?—Yes.

1150. And the result of that was, that the practice was entirely withdrawn?—It was.

1151. When did you make the remonstrance in consequence of which that practice was stopped?—Either in August or September last.

1152. That practice has not been renewed, I believe?—It has not.

1153. And you have had no further cause of complaint on that ground?—I have had no further causes of complaint on that ground.

1154. Although you have the spiritual care of nearly 400 Roman Catholic prisoners, you receive no remuneration whatever?—I receive no salary whatever.

1155. Have you ever applied for any?—It has been applied for, generally in court, for all the Middlesex Houses of Correction.

1156. It was treated as a general question?—As a general question.

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1157. And decided for all?—And decided for all.

1158. You have, therefore, not remonstrated upon that subject?—I have not.

1159. Mr. *O'Reilly.*] You consider that in this case of a prisoner having first entered himself as a Protestant, and on the second occasion as a Roman Catholic, the Protestant chaplain had no right to send for him, and ask him the reasons for that change, because you state, distinctly, that you would have no right in the converse case to send for him, and ask him why he had entered himself as a Protestant on the second occasion, seeing that he had entered himself as a Catholic on the first?—Decidedly.

1160. Equally, you are of opinion that the Protestant chaplain has no right to send for Roman Catholic prisoners, in order to hold private conversation with them, as you would certainly not be permitted to see a Protestant prisoner under similar circumstances?—Just so.

1161. Am I also right in assuming, that you can have no personal knowledge of what the Protestant chaplain says to the prisoner on this occasion; but that you put it on the broad ground, that for a chaplain of one religion to send for a prisoner of another religion, and to interrogate him personally, is *primâ facie*, a case of interference with his religious belief?—That is so

1162. Can you inform the Committee how many Roman Catholic prisoners there are generally in the infirmary?—Sometimes I have had as many as six; the number varies.

1163. You are not allowed to see more than 12 Roman Catholic prisoners at once, I believe?—During the week I am not.

1164. Then if you gave half-an-hour's instruction to each batch during the three hours, that would make about 72 prisoners that you could see; so that if you devoted the whole of your four days to this work, you would not be able to instruct more than 280 prisoners in the week, which would be about three quarters of the whole number of the prisoners under your charge?—That is so.

1165. Mr. *Holt.*] The honourable Chairman asked you, whether the priest who attended upon the gaol would obey all the rules of the visiting justices?—He would.

1166. Supposing one of those rules were at variance with the instructions given to him by his ecclesiastical superior, how would he act?—I should be glad if you will give me an explanation of the way in which it would vary; if it varied from his creed, then the visiting priest would not submit to it; but in any other way the visiting priest would submit to any regulation that might be made.

1167. You attended the gaol some years ago, did you not?—Yes, I did.

1168. And afterwards another clergyman took your place?—Yes.

1169. Did you resign your office?—I never had an office.

1170. I want to know how the exchange was made?—Simply because I was employed in other matters, and therefore I could not attend there any more, and another clergyman went in my place.

1171. Was there any communication with the visiting justices about the change?—None, whatever; the visiting justices had never complained of me in any way.

1172. You simply used to attend, and another gentleman took your place?—Exactly so.

1173. Mr. *Dimsdale.*] Did you make any application to the visiting justices for a second service, or for permission to attend the prison daily?—I have never made application for permission to hold a daily service.

1174. You cannot tell, therefore, that it would have been refused?—As I only received permissions gradually, first for one thing and then for another, I thought it would have been very difficult to obtain that.

1175. Did you ever make an application for afternoon service?—An application has been made.

1176. And what was the answer?—That it would not be given, for the reason that the Protestants had only one service for each division; I could not understand if the Protestant prisoners were only allowed to go once a day, why the Roman Catholic prisoners should be invited to go a second time in the afternoon to the service of the Church of England, having already attended one service in the morning.

1177. I think you stated to the Committee that you complained of the interference of the warders at one time, and of the chaplain at another?—I have remonstrated with the governor about a speech they made.

1178. And you never had occasion to complain of it again?—Never afterwards.

1179. And the same with regard to the English chaplain?—Never afterwards.

1180. So that as a matter of fact your complaints, whatever they have been to the visiting justices, have been remedied?—They have.

1181. At the present time you have no further complaint to make except as regards non-recognition and non-payment of salary?—And I should like to have daily service.

1182. That you have not applied for?—I have not applied for daily service.

1183. Did you ever apply for an assistant?—I never did.

1184. Is an assistant supplied to the Protestant chaplain?—There is the chaplain, and the assistant and the reader.

1185. Does any Dissenting minister attend the prison?—No.

1186. Mr. *Matthews.*] You have been asked about the rules of the prison which you might be tempted to disobey; have you ever known any rule that a priest would decline to obey?—Never; the rules are fixed up in our rooms, and are always obeyed.

1187. You stated to the Committee that the only rule that a priest would disobey would be a rule which conflicted with his creed?—Yes, and which I would consider no rule.

1188. Do you mean that if you were ordered to do something which your church considered would be unconscientious, you would be obliged to decline to do it and to resign your office?—They could not do that, because we have our liberty at present.

1189. Do you think the visiting justices would be likely to make any rule which would conflict with the rules of your creed?—Never; I do not think it is conceivable.

1190. Mr. *Synan.*] Did the visiting justices give you permission to attend as a Roman Catholic chaplain to the Roman Catholic prisoners?—They did.

1191. Supposing

1191. Supposing after that permission was granted to you, they made a rule in conflict with any doctrine of yours, would not that be a violation of their own permission?—It would.

1192. Do you not attend merely as a permissive Roman Catholic clergyman?—I do.

1193. So that, consequently, any change from one Roman Catholic clergyman to another does not in any respect alter your status?—It does not.

1194. In no respect do you consider the present state of things gives you that position as an officer of the prison which would be of moral service, as far as your teaching is concerned?—No.

1195. You think that if you were an officer of the prison, your teaching would have a greater moral effect upon the prisoners than it has in your present position?—Decidedly so.

1196. You told the Committee that you did not apply for permission to attend to give instruction every day; did you consider the answer which you received to your application to attend the fourth day as a special favour to be a complete and final answer upon that subject?—I considered it as a special favour.

1197. And, therefore, that it was an answer which would prevent any further application upon your part?—I thought so.

1198. It had that effect, at all events?—It had that effect upon me.

1199. You said that this prisoner, number 340, stated to you that the Protestant clergyman called him a ranter?—Yes.

1200. Do you consider that a term of opprobium in this country?—The prisoner considered so.

1201. Was he an Irishman?—He was.

1202. Do you consider a daily service, considering the character of these prisoners and their teaching and instruction, is absolutely necessary in order to produce a moral effect upon them?—No.

1203. Do you consider daily instruction more necessary again?—I do, even more so.

1204. Do you not consider that it would require the whole of your time as a Catholic clergyman and instructor to attend to these 400 prisoners?—It would.

1205. I find from returns of this gaol that the 400 Protestant prisoners have two chaplains?—They have.

1206. And a Scripture reader too?—They have.

1207. Would not the 400 Roman Catholics in the same proportion require, at all events, the continual attendance of one clergyman or instructor?—They would.

1208. You stated that the devotion of your office in this prison has interfered with your brethren, and imposed labour upon them which otherwise they would have been relieved from?—Just so.

1209. Is your support derived from the voluntary subscriptions of your people?—It is.

1210. Does not your attendance in the prison encroach upon the claims of your people, as well as of your fellow clergymen upon you?—It does.

1211. Does not it deprive them of that minister which they expect from you, and for which they pay you?—It does.

1212. Mr. *Hutton.*] You stated, in answer to the honourable Member, that the priest who took

your place for the autumn was approved of by the visiting justices?—He would not have been allowed to go in to the prison without being approved by the visiting justices.

1213. With reference to the essentials to the service in your chapel, you say you paid for them yourself?—My predecessor paid for them.

1214. I suppose they still belong to him at the present time?—They do.

1215. Do they belong to him individually, or to the order generally?—I think he has an individual claim on them.

1216. Did you obtain that information from the prisoner, with reference to the English Church chaplain, under confession?—No, that could never be, because what is stated under confession can never be manifested.

1217. Mr. *Downing.*] If you had received in confession any information, you would not be at liberty to reveal it?—I could never reveal it.

1218. Not to any tribunal?—Not to any tribunal.

1219. Lord *Henley.*] You stated to the Committee, that you never received anything in the way of salary from the authorities of the prison?—Never.

1220. Have you thought at all, as to what amount of salary should be given for proper attendance upon 400 Roman Catholic prisoners?—I know that the senior clergyman has 400 *l.* a year, and the assistant 300 *l.*, and there is besides a Scripture reader, and I think, as the proportion of Roman Catholics is one-fifth of the whole number, and that attendance upon them occupies a great deal of my time, the remuneration should be in proportion.

1221. Have you fixed upon any sum which you think should be allowed as the salary of the Roman Catholic chaplain in the prison?—I have not fixed upon a sum which I should like to suggest.

1222. You think it should be in proportion to the number of prisoners, and the time occupied in attending upon them?—Certainly.

1223. Are you aware, that among those who are entered as Protestants, there are many of various denominations?—I am.

1224. Do you think that the authorities of the prison should have to pay ministers of those various denominations?—None ever attends.

1225. But would not those Baptists and Wesleyans, and so on, have a right to demand a minister of their own way of thinking?—I think they would have the right to send for one.

1226. Do you think that all those ministers should be salaried officers of the prison?—If they attended daily, and were under the prison rules, and had a sufficient number of prisoners to attend to, it would be only fair that they should be.

1227. Have you considered at all the sources from which that remuneration should come?—I think as we are ratepayers the same as other people, it should come from the county.

1228. Do you not consider that it would fall heavily upon the ratepayers, to appoint ministers of all denominations?—I think the labourer would be worthy of his salary.

1229. You think it would be only fair?—I think it would be only fair.

1230. Mr. *Dalrymple.*] With respect to the invitation to attend the second service, how often did that occur?—It occurred, I think, once or twice in the same week; for one or two Sundays, not longer.

1231. Supposing

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1231. Supposing the services were identical, it would be regarded as a privilege by the prisoners to get out of their cells in order to attend?—It would.

1232. If the Protestant prisoners had an opportunity of attending a second service, would not the Roman Catholic prisoners think it a hardship not to have such an offer made to them?—They would.

1233. I can well understand that you do not speak to Protestant prisoners, having so many of your own persuasion to attend, if for no other reasons; but would it be reckoned impossible for the Protestant clergyman to speak to one of your prisoners?—He is not allowed to do so at present, as far as I am aware.

1234. You told the Committee that the chaplain gave a spiritual reprimand to one of your prisoners?—Yes.

1235. What did that consist of?—He asked him first what was the crime he came in for, and one thing and another, which of course the prisoner thought it a liberty on the part of the chaplain to do, as he considered him a stranger to his own creed.

1236. That was what made me ask you if it was reckoned impossible for him to speak to one of your prisoners; did you hear of that interview with the Protestant chaplain from any one, but from the prisoner?—From no one but the prisoners, although I have heard from the officers that the Protestant chaplain was in the habit of calling them; they considered it a rule of the prison.

1237. Mr. *Knatchbull-Hugessen.*] I think the honourable Member for Lancashire asked you whether in the event of a rule of the prison clashing with the instructions you receive from your ecclesiastical superior you would obey that rule; do you receive special instructions from your ecclesiastical superior in taking charge of a prison?—None whatever.

1238. Am I right in assuming that the ordinary instructions given to a Catholic priest by his ecclesiastical superior would never be likely to clash with the performance of his duty as a prison minister?—Never.

1239. The noble lord near me asked you whether the payment of a Roman Catholic chaplain would not add to the burden of the ratepayers; but if giving more efficient instruction to the prisoners tended to the diminution of crime, would not that ultimately be a much larger benefit to the ratepayers than the temporary pecuniary loss which they might undergo?—I think it would be a great saving to them.

1240. And of course, the question of payment or non-payment, and provision or non-provision of religious instruction in prisons, must be a question to be decided according as to whether we are of opinion that religious instruction would diminish crime, or the reverse?—Just so.

1241. With regard to the prisoner who had announced himself as of one religion at one time, and another at another time, do you not think that if doubts were entertained with reference to the religion of a prisoner, it would be better that those doubts should be cleared up by inquiries conducted by some other person than the minister of one of those religions?—I think so; but there was no doubt that he had given his name as a Catholic.

1242. But if he had given his name as a Catholic first, and then as a Protestant, or *vice versâ*, you consider that it would be better that the inquiry should be conducted, not by the Catholic priest, or the Protestant minister, but by some one independent of either?—It should be inquired into by somebody else.

1243. You stated that you had made no application for salary, because you considered that the general question of salaries had been decided by the Middlesex Court of Quarter Sessions?—Just so.

1244. *Chairman.*] You stated to me, that there was an official intimation given for Catholics to attend the Protestant afternoon service?—Yes.

1245. And you remonstrated against that, and the result of that remonstrance was, that such applications were never repeated?—That was so.

1246. Can you give me an idea of the size of the Protestant chapel?—I think it does not hold more than about 800.

1247. If there was not room for the Protestants in the chapel, what was the meaning of asking Roman Catholics to attend?—Because there would be sometimes only 1,400 Protestant prisoners in the prison; therefore, if 800 go in morning and in the afternoon, the other 600, they could not fill the chapel, and therefore they would rather fill it up with Catholics than with Protestants.

1248. Your having evening service would not interfere in any way with the discipline of the prison?—By no means.

1249. As far as you know, Dissenters are not unwilling to receive the ministrations of the Protestant chaplain?—They are not unwilling.

1250. But can a Catholic prisoner be present at or receive the ministration of a Protestant chaplain?—He cannot; the cases are quite different.

1251. There are two Protestant chaplains and a Scripture reader, are there not?—Yes, there are.

1252. Would not an assistant teacher or reader be of great service to you?—If I could obtain one it would be of service, unless I had daily instruction, and had proper access to the prisoners so that I could go in at any time in the day, in which case I might myself instruct them all.

1253. But is not 400, considering the time that you must occupy in receiving confession, a very large number to be instructed by one chaplain?—It is a very large number.

1254. And therefore would you not be glad to receive the services of a teacher?—I would be very glad.

1255. You have no objection whatever to receive one?—No objection whatever.

1256. But you did not imagine you would get one?—I did not ask for one, as I did not think the teacher would be paid for, seeing that I myself was not paid.

1257. Mr. *Downing.*] With reference to the question of the Roman Catholic prisoners considering it a hardship not to be invited to attend the evening service, you did not mean to say that they would have considered it a hardship if they had not been invited out of their cells so as to enable them to attend the Protestant service?—No; they would think it a hardship to be confined in their cells.

1258. Mr. *Synan.*] I see that the classification of prisoners with respect to the Protestant religion is generally "Church of England, 1,489;" I find no mention of Wesleyans or Dissenters

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or anything of that kind, but I see "Various Denominations, 20"; they all go under the general head of "Church of England"?—That is so.

1259. And all attend the service of the Church of England?—They all attend the Church of England service.

1260. Except the 20?—Yes.

1261. So that it only comes to this, how many Dissenters this 20 is composed of, and how many Chaplains each three or four of them who might belong to the same denomination would require?—Yes.

1262. With respect to the secular teaching, how is that conducted?—There is a school teacher.

1263. For all?—Yes.

1264. Is he a Protestant?—Yes, I believe he is.

1265. But it is purely secular teaching?—Yes, it is purely secular teaching.

1266. Mr. *Knatchbull-Hugessen.*] At all events you have no complaints to make upon grounds connected with the secular teaching?—None whatever.

Mr. FRANCIS HENRY NEWLAND GLOSSOP, called in; and Examined.

Mr. *F. H. N. Glossop.*

1267. *Chairman.*] You are one of the visiting Justices, are you not, of Coldbath Fields Prison?—I am chairman of the visiting justices of Coldbath Fields Prison.

1268. How long have you occupied that position?—On and off, for two or three years, but I have been a visiting justice much longer than that.

1269. We may take it that you have been chairman of the visiting justices of Coldbath Fields Prison for two years?—About two years.

1270. Have you heard the evidence of the last witness?—Yes, I have.

1271. You know him to be the visiting priest of that prison?—Yes, I do.

1272. Do you wish to state anything to the Committee in reference to his evidence?—I think Mr. Kirner omitted to mention to the Committee that the Roman Catholic prisoners from the associated yards are assembled in a work-room during Sunday afternoon chapel, when books approved of by the priest are read aloud to them.

1273. By whom are they read?—I am not prepared to say that, but I believe by a warder; the books read are approved of by the Roman Catholic priest; I mention that as it has been made a subject of grievance that during former years the Roman Catholic prisoners were locked up in their cells.

1274. You say that now they are not locked up in their cells?—Not necessarily.

1275. Do you know that they are all assembled in that room?—I do not know that they all are.

1276. How many of them are assembled?—That I am not prepared to say.

1277. Could you give the Committee anything like the number?—No; this is a point which I have learnt from the governor of the prison, and did not ask a question with reference to the number.

1278. You do not know whether there would be 400 or 20 assembled in that room?—No; but I infer that any who might wish would be allowed to attend.

1279. Is there any rule published in the prison with reference to that permission?—I think not.

1280. Assuming this assembling of the prisoners together in the work-room to be a fact, as of course it must be from your statement, when was that arrangement made, and how long has it been practised?—That I am not prepared to say.

1281. Is the governor of the prison here?—The governor is not here.

1282. You say you do not know when this arrangement was made, or how many prisoners attend at a time, or whether any official intimation is given to the prisoners of that permission?—No, I do not know these details; they hardly come within my province.

1283. Will you state the reason why there is not an afternoon service allowed to the Catholic prisoners, as well as to the Protestants?—Simply because I am not aware that it has ever been asked for.

1284. If it had been asked for, would it have been granted?—Of course in so very large a prison, it is sometimes very difficult to make these arrangements; for instance, I regret that our own Protestant prisoners have not the opportunity of attending a second service; but difficulties have been suggested with regard to removing such large bodies of men, and collecting them from different parts of the prison. Speaking, however, as an individual member of the visiting justices, if an application was made I should certainly give it my best attention, and, if possible, I should advocate it.

1285. You spoke of the difficulties of moving large bodies of prisoners about; the gross number of Roman Catholics would be somewhat under 400, would it not?—Rather less than 400.

1286. What practical difficulty would there be in assembling those 400 in their own church, more than in assembling an equal, or a larger number of Protestants in their own church?—That is done already; it is done in the morning.

1287. Do a larger number of Protestants attend in the morning than in the afternoon?—I think the chapel is nearly filled each time.

1288. If there be no difficulty in the morning, why should there be any difficulty in doing exactly the same thing in the afternoon?—My answer to the first question was that I am not aware that any such application has ever been made.

1289. But you wish to impress upon the Committee the difficulty in moving a large body of people; does not that difficulty exist in the morning, and is it not practically overcome?—It is.

1290. Is there, therefore, any greater difficulty in doing the same thing in the afternoon?—Of course it might be done; I am not the governor of the prison, and therefore many of those details are rather in his province than in mine. Moreover, many of the officers are allowed leave on Sunday afternoons, therefore I merely throw it out that there might be difficulties in the way; but individually I should do my best if an application was made to overcome those difficulties.

1291. Assuming it to be the fact that all the Roman Catholic prisoners are allowed to be assembled in the work-room, and that a warder reads

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reads to them from a religious book, do you as a visiting justice think that that would be as useful to the prisoners as instruction by their own clergymen in their own chapel at that time?—No, I do not think so.

1292. I presume, of course, that you do not imagine that a Protestant warder reading a book in a school-room to a number of Protestant prisoners would be likely to have so good an influence as the teaching of the Protestant chaplain in the church?—No, I do not think it would.

1293. Then you are of opinion that it would be advantageous to the Catholics to have this second service?—I am sorry to say (although I am very desirous to give both Protestants and Roman Catholics every religious facility) that I am not of opinion that any very great amount of good is done by those services, knowing as I do the class of prisoners who attend those services, and the very little attention they pay to them.

1294. We will not go further into that question, but let me ask you this: assuming that any good results are derived from religious teaching, it would be more effective or more beneficial, would it not, coming from an educated and authorised minister than from a warder?—The priest selects the books which are read.

1295. The Committee know that perfectly well, but do you take my view of the point?—If the same book is read, the effect would be as good if a warder reads it as if the priest reads it.

1296. The Roman Catholic priest has told us that he attends the prison four days in the week?—I was under the impression that he attended only three days, but if he says he attends four, of course that is so.

1297. He attends on Sunday, does he not?—He attends on Sunday.

1298. Could you give the Committee any reason why the Roman Catholic minister is not allowed a salary?—The payment of the priest is not within the province of the visiting justices; it is within the province of the court of quarter sessions, and they have refused to agree to it.

1299. Would not a recommendation from the visiting justices have a considerable amount of influence upon the court?—The visiting justices had very great difficulty in persuading the court to allow mass to be celebrated in the prison at all. I was one of those who took a very active part in obtaining that permission from the court.

1300. The visiting justices, seeing the almost impossibility of obtaining a salary for the Roman Catholic chaplain, do not ask for it?—It has been asked for over and over again, and the majorities have been rather increasing against it. In January 1869, when Mr. Bagshaw brought forward his motion, I think the majority was 64 to 32, that is just two to one.

1301. Is there any particular reason why that majority should be swelled; are not the priests generally giving more of their time and more of their labour than they were doing before, and if they are allowed to give their labour and time, why should they not be paid for their service?—The majority of the magistrates appeared to be of opinion that there was a great distinction between toleration and endowment.

1302. Will you read the rules relating to the number of Roman Catholic prisoners that the priest may see at one time?—This is the rule limiting the number of prisoners whom the Catholic priest may assemble at any one time, "He shall be allowed to see any one prisoner of his own persuasion (who shall not object to see him) alone, or more than one and up to a number not exceeding 25, in the presence of a warder or subwarder, whose duty it shall be to see that no communications take place between one prisoner and another, and to put a stop to any such communications, if made or attempted, and, if necessary, to remove the prisoner offending." That is the rule now in existence.

1303. Did you not hear Dr. Kirner complain of not being able to collect the prisoners together and speak to them at the same time?—I can only say that that is the rule, and therefore if he does not assemble the prisoners together, up to the number of 25, it is his own fault, and not ours.

1304. The Roman Catholic priest has 380 prisoners to attend to, and having that large number of prisoners under his charge, if he imagines that it would be better for him to see them altogether at the same time, would it not be a wise thing on the part of the visiting justices to allow him to do so?—I never heard that he expressed any such wish; I am not aware that he even avails himself of the privilege of assembling 25, I believe he does not. I may also mention that he has full access to the Roman Catholic register, so that he has an opportunity of calling for any prisoner whom he wishes to see, but I believe that practically he very seldom sees prisoners who do not express a wish to see him, and that, again, is his fault.

1305. Can you speak to that of your own knowledge?—I am dependent upon information given me by others.

1306. You have raised an important point, and therefore I must ask you whether you are speaking from your own knowledge, when you say that the priest confines his ministrations to those prisoners who specially ask for him?—I could not know it, except from information given me by others; so that I do not know it of my own knowledge.

1307. All those prisoners are Queen's subjects are they not?—A very large majority of them are; we have some foreigners amongst them.

1308. Are not they on perfect equality in the eyes of the law, whether Protestants, Catholics and Dissenters; are not they all Her Majesty's subjects, and bound to obey the laws?—Their presence in the prison proves that they have not obeyed the laws.

1309. Why should there be any difference between one and the other; there are Protestants in the prison as well as Roman Catholics?—Yes.

1310. Are not there offenders amongst all religions?—The number of Roman Catholic prisoners is very much larger in proportion to the Roman Catholic population, than that of the Protestants; one-fifth of the prisoners in Coldbath Fields prison are Roman Catholics.

1311. Are not the Roman Catholics, as a rule the very poorest of the population?—They are from the poorer classes, certainly.

1312. Are they not from the very poorest the population in London?—I am not aware that the Roman Catholics are of a poorer class than the Protestants, generally.

1313. They are of a poor class, as a rule, are they not?—Yes, doubtless.

1314. Very few of the Roman Catholics London are of the better class; they are ge
ra

rally found amongst the working portion of the population, are they not?—I suppose so.

1315. Do you not think so?—Not universally so; I happen to know a great many Roman Catholics who are in my own position.

1316. The great body of them are poor, are they not; you have heard the evidence of the clergyman, that they are amongst the poorest of the population?—His congregation were so.

1317. His congregation was composed of costermongers and labourers, and a very few small shopkeepers?—So he tells us.

1318. Is not that the very class who are most liable to temptation as a rule?—Yes.

1319. Therefore, in fact, ought not every possible means to be taken with that class to try and reform them?—Yes.

1320. Does it ever strike you that if you do not take sufficient means to reform them, you have no right to accuse them of a greater tendency to crime than others?—Much misconception prevails with reference to our prisoners in Coldbath Fields.

1321. Will you kindly answer my question?—A large proportion of our prisoners are there for very short terms; one-fourth of our prisoners in Coldbath Fields are there for a less time than 14 days.

1322. Can you give the Committee an idea of what is the general character of the crimes for which those Catholic prisoners are sentenced?—A great many of them are not in for any crime at all, they are there for assaults on one another, and on their wives, and for drunkenness.

1323. Sir *John Pakington.*] You spoke of the Catholic prisoners being assembled in a room on Sunday afternoon to have books read to them, which are approved of by the priest?—Yes.

1324. You say all the Roman Catholic prisoners do not come?—I believe not; the governor tells me that those in associated yards attend.

1325. Under what regulation is it that they do come?—I am sorry the governor is not here, as that is one of the details that I could not give any answer to of my own personal knowledge.

1326. Is it or is it not optional with the individual Roman Catholic prisoners whether they attend these readings or not?—I expect it is, but I am not prepared to say of my own knowledge.

1327. But this is an important matter in relation to the direction of a prison; are you not, as chairman of the visiting justices, able to give a distinct answer to that question?—They are not compelled to attend any service.

1328. I asked you whether the attendance upon those evening readings was dependent upon the individual wishes of the Roman Catholic prisoners?—I feel certain the Roman Catholic prisoners would not be compelled to attend the readings if they did not wish to do so; indeed, I am not quite certain whether there is room for all the prisoners who might wish to attend.

1329. Where are those readings held; are they held in the Roman Catholic chapel, that is to say, in the old Protestant chapel, or are they held in a room set apart for the purpose?—In a room specially assigned for the purpose, a work room.

1330. If the number wishing to attend was too great to be accommodated in the room, would those readings be permitted to be held in the chapel?—Although I am chairman of the visiting justices, I am not paramount, but I can only say that individually I should be happy to entertain any reasonable request of that kind, but I cannot say what the decision of the majority might be.

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1331. Do not the visiting justices meet collectively every week?—Yes, they do.

1332. Is not this case worthy of your consideration; is it right that this question should be left loose and unsettled by the authorities of the prison?—I am not aware that any application has ever been made to the visiting justices to allow the priest to hold a second service.

1333. Are you aware how and when this practice of afternoon readings on Sunday commenced?—No, I am not.

1334. You do not know how long it has been going on?—No; I was absent some months last year on the Continent, and I think it was about that time; that was about the time Dr. Kirner says he made complaints.

1335. Have the visiting justices ever communicated with the Roman Catholic chaplain upon the subject of these afternoon readings?—I am not aware that they have.

1336. The visiting justices have never consulted the Roman Catholic chaplain as to whether he would prefer these afternoon readings or a regular afternoon service in the chapel?—I was absent, as I stated, for some months last summer, and something of this kind may have taken place then, but I have been a very regular attendant for the last three years or for a longer time than that, and during that time I never recollect any application from the Rev. Dr. Kirner upon any subject whatever.

1337. Who is the reader?—One of the warders, I believe.

1338. Is he a Roman Catholic or a Protestant?—That I do not know of my own knowledge.

1339. You stated to the Committee that the details of this prison are in the governor's power and not in yours; is not the body of visiting justices a paramount authority which the governor is bound to obey, subject to the law?—Quite so.

1340. I apprehend you feel that the visiting justices and yourself, as one of them, must be responsible for every detail of the management of that prison?—Quite so.

1341. You stated to the Committee that the visiting justices had a difficulty in persuading the Court of Quarter Sessions to allow mass to be celebrated in the prison?—Yes.

1342. Was that the subject of a distinct motion and division in the court?—It was.

1343. Are you a magistrate?—I am.

1344. And the question of allowing mass was the subject of a division?—It was.

1345. How long ago is that?—I think it was the subject of more than one division; the first was in the May session of 1867, when the visiting justices, I being chairman at the time, reported to the court that it was our intention, believing that we had the power to do so, to allow the Roman Catholic prisoners to be assembled together for their service. Upon that an amendment was moved, that in the opinion of the court it was not expedient that the visiting justices should be allowed to do anything of the kind. Then we, the visiting justices, feeling very strongly upon the matter, considering that it was strictly within our province, and that if it was within our province it was our duty to grant such a permission, obtained the opinion of eminent counsel upon the point, which was to the effect

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effect that it was not contrary to the law that a service for Roman Catholic prisoners should be held, and we again moved the court in the July session of 1867, when the motion was carried by a considerable majority.

1346. You have not told the Committee how the first motion was decided; I presume the first question was postponed in order that the opinion of counsel might be taken, was that so?—No.

1347. How was it decided the first time?—Mr. Serjeant Payne moved, by way of amendment, "That with regard to so much of the report of the visiting justices of the House of Correction at Coldbath Fields (presented to the court on the last county day), as proposes to allow the celebration of mass by a Roman Catholic priest within the prison, the court is decidedly of opinion that there is no authority for such a proceeding, and that it cannot be allowed;" that amendment was duly seconded and put to the vote, and on a division carried. The same amendment was then put to the vote as an original motion, and, on a division, carried.

1348. Then, on your first motion being carried in the negative, you took counsel's opinion and renewed the subject, and then the motion was carried?—Yes, that was so.

1349. Are you, individually, of opinion that a Roman Catholic priest, having the spiritual care of nearly 400 prisoners, ought to receive a salary for his services?—I am one of those who make a very great distinction between toleration and endowment.

1350. Will you give me a direct answer to my question?—Then I say, no.

1351. What is your individual opinion upon the subject?—I am afraid that my answer would not be satisfactory, because the question is, whether it is to be paid by the ratepayers; I take very great interest in this subject; a Roman Catholic magistrate called upon me, and I had a great deal of correspondence and communication with him, and in consequence of that, I brought this motion forward; but the gentleman who so called upon me, and prevailed upon me to bring this matter forward, expressed himself strongly to the effect that he did not ask for anything more than mere toleration; that he did not ask for endowment, for provision, for vestments, or payment, or anything of that kind.

1352. Excuse my saying that your answer does not apply to the question I asked you; I wish to have your individual opinion, unless you decline to give it me, whether you do or do not think that the Roman Catholic priest, having the spiritual care of nearly 400 prisoners, ought to receive a salary for his services, from the same funds as those by which the other expenses of the prison are borne?—I do not, as long as the Church of England is the established church of this country.

1353. The question of remuneration for the services of Roman Catholic priests in the Middlesex prisons, has, I believe, been brought before the court of quarter sessions?—It has.

1354. More than once?—Yes.

1355. And decided in the negative?—Yes.

1356. I presume you, as a member of the court, voted in the majority?—I did so.

1357. Are you aware what is the opinion of your brother magistrates upon the visiting committee, do they agree with you or do you think that the majority are in favour of a salary?—The opinions are divided, and I am not able at this moment to say which way the majority would go.

1358. How can you account for the discrepancy between you and the Roman Catholic priest who has given evidence before this Committee this morning with regard to the number of prisoners that he may see at one time; he told the Committee distinctly that he could not see more than 12, and you told the Committee equally distinctly that he is allowed to see 25?—I think it is possible that he may have an old copy of the rules; the permission at first was given for 10, and subsequently it was increased to 25, but I have every reason to suppose that he has had access to the present rules as they would be put up in his room.

1359. Where does he see those prisoners on week days, in a room or in the chapel?—In a room contiguous to the chapel.

1360. Am I right in supposing that the reason why the limit of 25 has been imposed is to prevent improper communication between one prisoner and another, which might occur if the number were larger?—I think that is one reason.

1361. Is there any other reason?—There, again, I must answer in rather a roundabout way; I am not aware that any application has ever been made for a daily service.

1362. If an application came to you as chairman of the visiting justices, either for an afternoon service for the Roman Catholics, or for permission to the Roman Catholic priest to attend six week days instead of four, should you assent to either or both of those proposals?—Individually I should give him every reasonable facility.

1363. Would you consider those reasonable facilities?—Unless some very special objection was urged owing to the number of the prisoners, but I should not anticipate that there would be.

1364. So far as you can now judge, you would assent?—Certainly.

1365. You told us that the Roman Catholic priest only sees those prisoners who ask to see him?—So I have been told.

1366. This, I think, you told us you could not state of your own knowledge, but that you had been told so; who told you so?—The governor.

1367. When?—I called at the prison the other day, anticipating that I might be called before the Committee, to satisfy myself upon certain points in order that I might not mislead the Committee. The governor has since written me certain particulars, of which that is one. He says that the priests have not assembled prisoners except for Divine Service, and that the priests visit prisoners in the infirmary, but have never been allowed to visit prisoners in the cells.

1368. You have that statement in writing from the governor?—Yes; if you will allow me to look at it again I will just read the sentence. It requires a slight modification. It is this: "They are allowed to see the Roman Catholic Register when they please, but seldom." It does not say never "see any prisoners, except those who make special applications to see them."

1369. That is the statement made to you by the governor; beyond that you have no knowledge yourself?—None whatever.

1370. Mr. *O'Reilly.*] You told the Committee that you did not know when this regulation with reference to assembling Roman Catholic prisoners for Sunday afternoon reading was made, but that you thought it must have been made during last summe

mmer whilst you were absent, because about at time certain complaints had been made by e Roman Catholic priest; would you be kind ough to explain to the Committee what those mplaints were which you infer were the cause this regulation with reference to the Sunday ternoon reading?—I never heard of these com-ints by the Roman Catholic priests until to-y, and I had intended to say so. Dr. Kirner s said to-day that he made complaints about at date, but I had been under the impression at he had never made any complaints.

1371. Am I right in understanding that no mmunication upon the subject of these readings s made to the Roman Catholic priest?—Ex-pting that it may have happened during the ne that I was absent; but not to my know-lge.

1372. You stated to the Committee, "I am t aware that any application was ever made a Roman Catholic afternoon service;" now, e last witness has mentioned that that applica-n was made by his predecessor, have you any ans of knowing or ascertaining whether it s or was not made; I want to know what is exact force of your "not being aware" of it, ether the Committee would be justified in cluding that the application was not made, or ether merely that you, as an individual, were aware of the fact?—Of course, it would be y to cause a search to be made through our utes; but even now, I am not aware that . Kirner says he made any direct application the Committee; he may have had a conversa-n with the governor.

1373. He told the Committee that his prede-sor made such an application?—I am not are of any such application having been de.

1374. Are you aware whether an application made by Dr. Kirner, to be allowed to visit prisoners on a fourth day in the week?—I not aware of that; he says that he did, but, aking of my own knowledge, I am not aware t.

1375. You are not aware of what answer given to that application?—I am not aware t.

1376. Still it is consistent with you as chair-n of the visiting justices, not knowing any-ng of it, that such an application should have n made in writing, and that an answer should e been given to the chaplain?—If it occurred ing the three months that I was absent, that uld be so.

1377. With regard to the number of Roman holic prisoners who would be permitted to nd the afternoon service, you stated that you rred that any Roman Catholic who might n it would be allowed to attend; will you lain to the Committee what is exactly the e of your inferring it; have you sufficient wledge to enable us to take it as a statement they would be allowed to attend?—I know the feeling of my own Committee, and of the ing justices, is to grant every reasonable lity to the Roman Catholic priest.

1378. You have no knowledge which enables to say, as a matter of fact, that, under the s of the prison, the prisoners would be wed to attend the afternoon reading; you only speak to your knowledge of the general ing of the visiting justices?—Quite so.

1379. The Committee are not to assume that the prisoners are allowed, as a matter of fact, to attend that afternoon reading?—The Committee are to infer that considerable numbers do attend, but what number I cannot say.

1380. You suggest that there might be a difficulty with regard to the afternoon services, or the week day services, owing to the difficulty of moving large numbers of prisoners; would not that difficulty apply in exactly the same degree to moving all the Roman Catholic prisoners, in order to attend the afternoon reading by a warder, as to removing the same number of prisoners to attend an afternoon service given by the clergyman?—There would be no greater difficulty in moving prisoners to one church than to another, if they were all willing to attend.

1381. It has been stated that one objection made to granting an afternoon service to the Roman Catholic prisoners would be, that as the Protestant prisoners were only enabled to attend one service in the day, it might be considered an especial gratification to the Roman Catholic prisoners, because prisoners always look upon assembling together for whatever purpose as to some degree a greater relaxation than being locked up in their cells; does not that objection apply quite as much to assembling them for the purpose of an afternoon reading as for an afternoon service?—Yes, assuming that all the Roman Catholic prisoners were assembled together for that reading.

1382. Do you think that prisoners would not consider it a relaxation compared to their being locked up in their cells, even if they were not all assembled; is it not as great a pleasure to be assembled to the number of 50 as to the number of 200?—Yes, only it makes a greater difficulty in making the arrangement. I believe prisoners will accept almost anything by way of change. I believe those Roman Catholic prisoners would be quite as willing to attend the Protestant services or anything else for a change; anything to avoid the monotony of the cell.

1383. Can you give the Committee any proof of the statement you have just made, that the Roman Catholic prisoners would be as willing to attend the Protestant service in order to get out of their cells as the Roman Catholic service?—It is the fact that they did at one time, although it was not compulsory.

1384. That is the only proof you have got to advance that they would as willingly attend the Protestant afternoon service as the Roman Catholic service?—I necessarily hear and see a good deal of the class of persons in prisons, and I am sorry to see how indifferent they are to these matters. I will mention a case which occurred during the last few days. The Protestant chaplain mentioned the case of a prisoner who had come in a great many times as a Roman Catholic, and who came in eventually as a Protestant. I should mention that he came in originally seven times as a Protestant, and then 34 times as a Roman Catholic, and had the advantage of the Roman Catholic ministrations on all those occasions, and now he is in prison as a Protestant. The Protestant chaplain saw this man and remonstrated with him, and said: "How can you call yourself a Protestant; what reason have you for calling yourself a Protestant?" And the man said, "I have read all the Roman Catholic books and I wish now to have a turn at yours." I mention that to show how very indifferent these people are.

1385. I presume

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1385. I presume you would not take a man who had been in prison 42 times as a typical instance of the ordinary run of prisoners?—No, of course not.

1386. Will you explain to the Committee the mode of registering the original prisoners when they enter the prison; when is their religion first registered, and by whom?—When they first come into the prison one of the warders is present and takes down certain particulars; the man's age, from what police-court he comes, and also what religion he professes.

1387. Is that entry ever changed subsequently?—Very rarely.

1388. When it is changed, on whose application, and in what mode is it changed?—It is only allowed to be changed on distinct application to the visiting justices, and in cases when we have had reason to suppose that there has been some mistake either that the man was intoxicated when he came in, or there was an actual mistake. I only recollect one or two instances of any change either way.

1389. It is changed, then, by order of the visiting justices?—Yes.

1390. On an application made by whom?—By the party who may be aggrieved; by the prisoner himself, probably. I do not think that above one or two such cases have occurred for several years past.

1391. When a prisoner, on entry, is registered as a Roman Catholic, is he visited by the chaplain of the Established Church?—Certainly not.

1392. He is never visited by the chaplain of the Established Church?—Never.

1393. How long has that been the rule?—I think ever since we have had a Roman Catholic priest visiting at all.

1394. How long have you had a Roman Catholic priest visiting?—Dr. Kirner said that he visited the prison in 1864.

1395. Are you, as chairman of the visiting justices and a member of the visiting justices' committee since 1864, prepared to contradict the evidence that has been given to the Committee, that, in at least 20 cases, the chaplain or assistant chaplain of the Established Church has sent for and seen prisoners who were registered as Roman Catholics?—I was very much surprised to hear such a statement. If any such statement had been made to the visiting justices, they would certainly have found fault with the chaplain.

1396. Do you think it right, then, to correct your first answer which you gave to my question, which was that, since 1864, when a prisoner, on entering the prison, had been registered as a Roman Catholic, he was never visited by the chaplain or assistant chaplain of the Established Church?—That is my answer, so far as my knowledge goes. I should say that no such occurrence had ever taken place. I should be sorry to contradict Dr. Kirner; but anything of this kind, if it occurred, must have happened during my unfortunate three months' holiday.

1397. Then does your own knowledge enable you to say that such an occurrence never could have taken place since 1864, excepting during the time you were absent from attendance upon the visiting justices?—Such an occurrence might have taken place; if it had taken place, it would, in all probability, have been brought to the knowledge of the visiting justices; but I distinctly say that no such circumstance was ever brought to the knowledge of the visiting justices, when I was present; if it had been, I should certainly have formed a very strong opinion upon it.

1398. Mr. *Holt.*] With reference to the number of prisoners seen by the priest, I presume you found it necessary for the discipline of the prison, to limit the number of prisoners seen at one time?—I think the limit was put rather with reference to the size of the room; the room, at first appropriated for that purpose, would not conveniently hold more than 10, and we increased it to 25, but we had never been asked to increase the number to 25.

1399. The visiting justices have some reason which induces them to consider that 25 is the most suitable number under present circumstances?—Yes.

1400. You told the Committee that you did not know of your own knowledge that the priest had not availed himself of the full number of 25; do you know officially that the priest has not availed himself of the permission under that rule to see 25?—Officially, my information is that the priest sees the prisoners singly on the three days in the week (or the four, as he says) up to the number of 20 or 25, not the 20 collectively, but one after the other.

1401. Does the rule provide that he may see them collectively?—He may see them collectively, but as far as my information goes, he does not avail himself of that permission on week days.

1402. Questions were put to you by the honourable Chairman respecting the class from which the Roman Catholic prisoners were derived; from what class are the Protestant prisoners derived?—I may say from the lowest class.

1403. In fact, they are all very much the same class?—They are all very much the same class.

1404. Are there any special regulations in your gaol affecting the Roman Catholic prisoners which do not affect the Protestant prisoners?—I am not aware that there are any such regulations.

1405. You spoke just now of one prisoner who wanted free access to the library; what are the regulations respecting Roman Catholics receiving books from the library?—The Roman Catholics have a library of books of their own which are under the control, and have been approved of by the Roman Catholic priest; that was just the man's case; he had read all the books in the Roman Catholic library, and wished to read the Protestant books.

1406. Does the Roman Catholic prisoner select his own books, or are they selected for him?—I think they are given him by the priest.

1407. Do the Protestant prisoners select their own books?—They are given them by the chaplains. If a prisoner asked for any particular book, and it happened to be in the library, in all probability the chaplain or the priest would give it him.

1408. Were you one of the visiting justices in 1864 and 1865?—Yes, I was.

1409. At the time when Dr. Kirner resigned?—Yes.

1410. Do you remember the circumstance of Dr. Kirner ceasing to attend the prison?—No, I do not. We have generally received an intimation, I think, from Archbishop Manning, that such a gentleman would discontinue his visits a

nd if the visiting justices would grant permission o some one else to attend, a change would take lace. In the case of Dr. Kirner there was no npleasant discussion; he simply left the prison.

1411. But the matter came before the visiting ustices, and permission was given to some other entleman to take his place?—Yes, that was so. Mr. Crescitelli, I think it was, who succeeded im.

1412. Mr. *Matthews.*] From whom did you earn that there was this Sunday afternoon read- ng?—From the governor.

1413. By a letter?—Yes.

1414. When was that letter written?—On the 0th of March.

1415. Four days ago?—Yes.

1416. Was that the first intimation you ever ad of a Sunday afternoon reading?—It was.

1417. Have you any reason for saying that the unday afternoon reading has ever been held?—I ave never been present at any Sunday after- oon reading, so that I cannot speak to it from ıy personal knowledge.

1418. Does the governor's letter inform you ince when the Sunday afternoon readings have een held?—No, it does not.

1419. Will you just read to the Committee hat he says about it?—"The whole of the oman Catholic prisoners (except those sick or therwise prevented) now attend the service in he old prison chapel, and the Roman Catholic risoners from associated yards are assembled in work-room during our afternoon chapel, when ooks, approved by the priest, are read aloud."

1420. He speaks in the present tense?—Yes.

1421. The change which introduced the pre- ent afternoon Sunday assembly was made in the rison without consulting the visiting justices?— must refer again to my absence for three months s an excuse for my want of knowledge on the oint.

1422. When did your absence terminate?—My absence terminated early in September last.

1423. Have you ever since your absence, until ou received that letter of the 30th of March, eard it suggested that there were Sunday after- ıoon readings in the prison for the Roman Catholic risoners?—No, I really never heard it.

1424. Have you any reason for supposing that here has been a Sunday afternoon reading?—I ave the greatest confidence in the governor; I now his handwriting, and if he states anything o be a fact, I believe it to be so.

1425. I do not understand that the governor ver states that that has taken place?—He says nat they "are assembled."

1426. What is the date of the rule allowing 5 prisoners to be examined?—I think it is 866; the copy I have here is a corrected copy, nd I am not quite certain when that correction vas put in. On the 23rd of March 1866, the umber was limited to 10, and subsequently in- reased to 25.

1427. I want to know when that alteration vas made; I see the correction is in manuscript, hen was that alteration made?—I think in the ame year, to the best of my belief, shortly after he rule was issued.

1428. Can you say what was the reason for ncreasing the number from 10 to 25?—I think more convenient room was found.

1429. Had not the priest requested that he ight be allowed to see more prisoners collec- ively?—Yes; as I say, the number at first was limited to 10, and when a more convenient room was found, the number was increased to 25.

1430. Was not that increased number in consequence of the request of the priest that he might be allowed to instruct more at a time?—I do not recollect that it was.

1431. Was there any reason for that alteration, except the desire of the priest to instruct as many prisoners as he could?—The priest does not avail himself even of that limited number.

1432. My question is, was there any other reason for it, beyond the wish of the priest to instruct this number?—If the governor had told us at one of our meetings, "The priest has hitherto had this room, and I think we can give him a larger room," I have no doubt we should have given him a larger room; but I am not aware that the larger number has ever been made use of, or application made for it.

1433. Mr. *Synan.*] Is the selection of those prisoners who attend these readings on Sunday afternoons, a selection by natural process or in what way is it made; do the prisoners them- selves volunteer to go, or are they solicited to go?—I am not in a position to give any further infor- mation, beyond that contained in the letter from the governor, about the afternoon reading.

1434. Is the reader a Protestant or a Roman Catholic?—I can only give the same answer to that question.

1435. Suppose the reader was a Protestant, it never has been brought to your knowledge that he is——?—I suppose a Roman Catholic book, read by a Protestant, would be equally efficacious as if read by a Roman Catholic.

1436. Then you think that a Protestant is as capable of reading, and giving instruction on a Sunday to the Roman Catholics in your prison, as a Roman Catholic would be?—No; I do not think anything of the kind.

1437. Supposing there had been an application made by the Roman Catholic chaplain to attend those readings, and to give the instruction him- self, and that was refused; what would you think of it?—I do not understand the question.

1438. Was an application made by the Roman Catholic chaplain to attend those readings?—I am not aware that any such application was ever made.

1439. Do you know who the predecessor of the present Roman Catholic chaplain in your pri- son was?—The Reverend Dr. Faa di Bruno.

1440. Will you take that letter from your clerk (*handing a letter to the Witness*); what is the date of it?—The 2nd of January 1869.

1441. Will you read it?—"Reverend Sir, I beg to apologise to you for the omission to for- ward sooner the reply of the visiting justices to your letter addressed to them on the 18th ultimo, which was from my having supposed that the governor had done so. In reply to your request for more religious books for the Roman Catholic prisoners, I beg to inform you that the visiting justices have ordered the supply of six dozen more books of a kind similar to those already in the prison, and with reference to your request to be allowed to deliver a catechetical instruction to the Roman Catholic prisoners every Sunday afternoon, the visiting justices desired you should be informed that they regret that the arrange- ments of the prison prevent them from acceding thereto."

1442. Were you then chairman of the visiting justices?—I think not; one of our rules is, that

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every member of the committee retires periodically for three months; therefore you are a member of the committee for 12 months, and then you retire for three months, during which time you are not a visiting justice, and many things may take place during that interval, of which you may or may not be cognisant.

1443. You stated to the Committee that you were personally aware of everything that occurred, except what occurred during your vacation?—I was a member of the committee in January 1869.

1444. You stated, I believe, that there was a table supplied for the Catholic service; was any application made to you while you were either a member of the committee or chairman for a more suitable altar, or for more suitable appliances for the Roman Catholic service?—I think there was an application made for a super-altar, or something of that kind.

1445. Is that the reply of the magistrates (*handing a letter to the Witness*)?—"Coldbath Fields, 15th March 1869. Reverend Sir, I am directed by the visiting justices to inform you, in reply to your letter addressed to them, dated the 12th instant, that as they have, within so recent a period, supplied everything which was considered necessary for the performance of the Divine Service for the Roman Catholic prisoners, they cannot accede to your request for the provision of an altar in substitution for the one now used for that purpose." I have no doubt that was their reply.

1446. That letter was sent to the chaplain, Dr. Faa di Bruno?—I think that probably would be the answer; it is not stated by whom it is signed.

1447. Have you not a copy of that letter in your minutes?—I may not have a copy of that letter. I have a copy of any letters that are sent by our clerk.

1448. Have you a copy of the answer sent by your clerk?—Yes.

1449. If that is not the answer you can refer to your minutes, and give the Committee the answer which was sent?—I have not the minutes here, but I can state that that was the purport of the answer that was made to the application.

1450. How many of the Roman Catholic prisoners do you know (or have you any knowledge upon the subject) attend the afternoon service in the Protestant Church on Sundays?—From my own knowledge I cannot say, because I do not attend the service. My official information is that none of them attend; but I am not present, and therefore have no personal knowledge.

1451. Mr. *Hutton.*] Is Mr. Colville the governor, absent now on leave by permission of the visiting justices?—I think he is, but he was unwell lately, and he was given leave to go to Ireland to fetch his wife home, and I trust he is well enough to do so.

1452. He has not applied to you for leave during the last week, knowing this inquiry was coming on?—It would not be on that ground. He obtained leave, as I said, to go to Ireland.

1453. Who is Mr. Harwood who signs this return?—He is a magistrate.

1454. Why should he have been chosen to sign this return of the number of prisoners on the 20th of July last?—That is during my unfortunate holiday again. Mr. Harwood was chairman of the visiting justices during that period. Dr. Kirner very fairly mentioned to me while we were in the lobby that I was incorrect in supposing that a Protestant warder reads to these Roman Catholic prisoners; a Roman Catholic prisoner is selected to do that.

1455. Mr. *Fowler.*] You referred to the library during the course of your examination, to whom does the library belong; does it belong to the county, or is it the property of the Roman Catholic clergyman?—The letter I read says that the visiting justices ordered six dozen books, therefore they would belong to the county.

1456. But those six dozen books would be ordered under the approval of the Roman Catholic chaplain?—The chaplain presents a list of the books, and if the visiting justices are of opinion that they are not in excess of the number that may be allowed, they purchase them.

1457. They were purchased by the county; in fact, for the Roman Catholic chaplain?—Yes.

1458. Mr. *Dalrymple.*] Do you know whether any Protestant prisoners attend two services on the Sunday?—I think very few. The Protestant chapel will only accommodate 800, and our numbers have been so very large, nearly 2,000, that even deducting 400 Roman Catholic prisoners, there would not be room for many of them to attend twice.

1459. As a rule, Protestant prisoners only attend one service on the Sunday?—Yes.

1460. Dr. Kirner mentioned some complaint which he had made, and which had been satisfactorily attended to; do you mean to tell the Committee that you never heard of any complaints that he made?—In this letter the governor mentioned that during the attendance of Dr. Kirner, Dr. Crescitelli, and Dr. Faa di Bruno, he never heard of any. I never heard of any complaints made by Dr. Kirner.

1461. During the period of your holidays, if you had been here, would you, as chairman of the justices, have heard of such complaints?—Certainly.

1462. You say that the justices meet weekly?—Yes, they do.

—1463. Do the justices only take up matters which are brought before them?—Necessarily so.

1464. Are the subjects submitted to them?—Yes, but we necessarily only take up such matters as are submitted to us.

1465. Are you generally present at the meetings?—I am very regular in my attendance.

1466. *Chairman.*] I wish to clear up one matter in reference to those prisoners who attend the readings on Sunday afternoons; you say they are taken from associated wards; will you explain to the Committee what is the meaning of the term "Associated Wards?"—The wards in which prisoners are in association. The prison in Coldbath Fields has been in the course of reconstruction; a considerable portion of it is entirely new, and there the separate system is carried out in its entirety. In some of the older parts of the prison it is impossible to carry out the separate system entirely, and therefore the prisoners are more or less associated.

1467. Will you inform the Committee what is the proportion of prisoners under the associated system, and the proportion of prisoners under the old system?—The larger proportion of the prisoners are now in separate cells, as almost all the alterations are complete.

1468. Then it is only the prisoners who are in association who are allowed to attend these readings on the Sunday?—Yes.

1469. The

1469. The larger number are in the cells, and none of those are taken from their cells to attend these readings?—I have already said that the governor does not say that they are.

1470. The assumption is, that they are not taken from their cells, as the governor's letter says they are taken from the associated wards?—It does so.

1471. You said you were quite willing to give every reasonable facility you could to the Catholic priest?—Yes.

1472. The more facilities you gave, the more work he would have to do?—The more work he might do.

1473. The greater opportunity you would give him for work?—When I say we grant facilities to him, we do not impose any work upon him.

1474. But you would give him a longer time to attend and perform his duties?—Yes.

1475. But you would not pay him?—No.

1476. Mr. *O'Reilly.*] Can you tell the Committee whether it is correct to state that the Protestant prisoners have daily service at half-past nine a.m., and whether all the prisoners attend, except the men on the wheel, who attend on Wednesdays?—I believe that to be correct. I was not aware about the exceptions on Wednesdays.

1477. Mr. *Downing.*] Is your prison within the jurisdiction of the Middlesex bench of magistrates and the quarter sessions?—Yes.

1478. The same as the Westminster Prison?—Yes, the same as the Westminster Prison.

1479. You know Captain O'Brien, I suppose?—Yes, I do.

1480. You do not agree with him when he said, in answer to a question by an honourable Member, "Public opinion is growing so fast in the matter that I have no doubt before long it will be acceded to;" that is, the appointment of Catholic chaplains at a salary; do you agree with him in that?—I think I do.

1481. But if you agree that public opinion has been growing so fast, what do you mean when you say that the majority against paying Catholic priests has been larger each time the question has been proposed?—The Middlesex bench of magistrates does not necessarily represent public opinion generally.

1482. You tell the Committee that you consider that public opinion is growing in favour of paying Roman Catholic clergymen, but you say, at the same time, that you do not think that the majority of the Middlesex magistrates represents public opinion?—The majority of the Middlesex magistrates was very decidedly against the payment.

1483. And you say now that you do not think they represent public opinion in that respect?—Possibly not.

1484. Then how is it you are against the payment of a Catholic clergyman?—I do not agree with public opinion; I am opposed to the payment of Roman Catholic priests.

1485. You agree with Captain O'Brien, when he says that he despairs of paying the Catholic priest, unless legislation follows upon public opinion?—I agree with Captain O'Brien in that.

1486. And you differ with him when he says that he considers the Catholic priest ought to be paid according to the labour he has to undergo?—If he said that the Roman Catholic priest ought to be paid by the ratepayers, I differ from him.

1487. Out of the same funds as those from those which the Protestant clergyman is paid?—When the application was first made, it was distinctly intimated to us that the Roman Catholic body were willing to pay their own priest.

1488. You will allow the priest to attend in the gaol, and spend three or four hours a day attending to the prisoners, but you would not pay him out of any public fund?—No; just in the same way I might mention that the Jewish rabbi sent in, the other day, a quantity of Passover bread. We are quite willing to admit it, and give it to the Jewish prisoners, but we would not pay for it if we were asked to do so.

1489. You are in favour of toleration, and not endowment, are you not?—Yes, I am.

1490. You are aware that there is no Established Church in Ireland now?—Yes.

1491. And you are aware that the great majority of the people there are Catholics?—Yes.

1492. Are you aware that in all the poor law unions there, a Protestant chaplain is appointed and paid, although there may not be three Protestants in the union?—I am not aware that that is the case.

1493. Supposing that that is the case will you not reconsider your answer, when you say that you would tolerate, but not pay a man for the services that he rendered?—I really would not adopt a course which may be pursued in Ireland as an example of what should be pursued elsewhere.

1494. You pay there the Protestant chaplain for attending upon three or four Protestants, and you would not adopt that course in England as regards the Roman Catholics?—No, I would not.

1495. Mr. *Fowler.*] You would consider, as we often hear in the House of Commons, that Ireland is to be legislated for upon an entirely different principle from England?—No doubt.

1496. Mr. *Downing.*] You are aware, of course, from your position as a visiting justice, that no minister can be appointed to a gaol in England where there is no clergyman of the Established Church appointed?—I think that is so.

1497. Therefore it so far shows that the Established Church is acknowledged by the law and the State, that no other minister can be appointed to a gaol unless there is a clergyman of the Established Church previously appointed?—I think it does.

1498. And you are also aware, I believe, that if a clergyman of another persuasion, say a Catholic priest, does not visit the gaol for 14 days, then the clergyman of the Church of England may visit the prisoners of that denomination?—I am not aware of that.

1499. It is in the 5th section of the Act by which the Act of George the Fourth was repealed?—I was not aware of that section.

1500. Sir *John Pakington.*] Do you know enough of this gaol to know whether the Roman Catholic prisoners are kept separate from the Protestant prisoners?—They are not kept separate.

1501. Then in these associated wards to which you referred, the Catholic and Protestant prisoners are intermixed?—Yes, they are intermixed.

1502. Are you speaking of what you know, or not, when you say that no Roman Catholics

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are brought from the cells to the Sunday afternoon readings?—I do not know that.

1503. Sir *John Trelawny.*] What would be the effect, in your opinion, of prison confinement as punishment, if clergymen of all denominations could come at all times they pleased each day and visit the prisoners?—It would interfere very much with the discipline of the prison.

1504. You fix, therefore, certain periods of the day at which alone certain clergymen should be allowed to visit?—Certainly.

1505. That is equally the case with all denominations?—Certainly.

The Rev. Dr. Æmilian Kirner, further Examined.

Rev. Dr. *Æ. Kirner.*

1506. *Chairman.*] Do you know anything about these readings on Sunday?—I do.

1507. Will you state to the Committee what you know of them?—I know that for the last six months the Roman Catholic prisoners who are confined in the old prison, are assembled together in one ward, and one of the prisoners reads to them, but the Roman Catholic prisoners who are confined in the cells (and who are the majority now), are not taken out of their cells to the reading.

1508. Were you consulted with reference to these readings?—I was not; I think they were already established, when I came in again after the Rev. Dr. Faa di Bruno.

1509. It must be eighteen months since that practice was resorted to?—Very likely.

1510. At any rate, you state that the minority of the Catholic prisoners are in the association wards, and that the majority are in that portion of the prison where they are separately confined?—It is so now.

1511. I wish to ask you upon one other matter with reference to yourself; do you confine your ministrations on week days to those prisoners who specially send for you?—The number of prisoners who send for me is generally so great, that in consideration of the three days (now four) which I am allowed, the time is scarcely sufficient for me to see them singly, one after the other; that is the reason why I never collect them, as I have to hear their confessions; I have sometimes thirty applications in one day, but whenever I have time, after I have heard those who have applied for me, I send for those who are going out, or those whom I have not seen, so that I do not restrict myself to those who apply for me.

1512. What is the number you are allowed to see collectively?—I think I must have made a mistake in saying 12; I think the rule is changed now, and it is 25.

1513. Mr. *Holt.*] You say that it is a prisoner who reads?—I think it is a prisoner who reads, and not a warder.

1514. *Chairman.*] Is there any doubt that an application was made to have catechetical instruction upon the Sunday?—An application was made to have service on Sunday afternoon.

1515. Mr. *Synan.*] When you use the word "singly," in respect of seeing these prisoners, you mean to refer to hearing their confessions?—Yes, to hearing their confessions.

The Rev. Dominic Crescitelli, called in; and Examined.

Rev. *D. Crescitelli.*

1516. *Chairman.*] You visit the House of Correction at Clerkenwell, do you not?—I do.

1517. How long have you been there?—I was appointed officially about a year ago, but I used to attend in Dr. Faa's absence; altogether about 18 months.

1518. What was the daily average of Catholic prisoners?—The daily average would be about 10 new ones, but altogether there would be 50.

1519. What is the gross number in a day in the prison?—About 50 or 60.

1520. Have you seen the return for last July?—No. (*The same was handed to the Witness.*)

1521. You see the date of that is the 20th of July 1869?—Yes.

1522. What is the number of Catholic prisoners there?—Sixty.

1523. That is about the average?—Yes.

1524. Have you service now on Sunday?—About four months ago I obtained permission to officiate on Sunday.

1525. Had there been an application made before then?—No application was made that I know of.

1526. But was that permission given voluntarily, or in consequence of an application?—I made the application myself.

1527. It was in consequence of that application that permission was granted?—It was.

1528. Do you visit the prison on week days?—Every day in the week; for in Clerkenwell there are both males and females confined.

1529. You visit the prison every day in the week?—Yes.

1530. What attendance do you give?—From twelve till two; two hours.

1531. And on Sunday?—On Sunday, I attend from half-past seven till nine o'clock.

1532. Have you a second service on Sunday?—Only one in the morning.

1533. Do you wish for a second service?—I would like to have it.

1534. Did you ask for it?—No, I did not; for lately I asked for this morning service, and I thought it was too much to ask for all at once.

1535. The necessaries for the Catholic service have been supplied by you, have they not?—I had to provide them all myself.

1536. You got no assistance from the authorities?—None, whatever.

1537. I must ask you this: do you receive any salary?—None.

1538. Do you think that there is duty enough in that prison to occupy the attention of a Catholic clergyman?—Two hours are scarcely enough. I cannot see the prisoners myself. There is an officer who calls upon them, and very often there are some prisoners who, he says, have refused; but I cannot ascertain at the time whether they have refused or not; and I ask the prisoners next day, "Did you refuse?" and they say, "No."

1539. Have

1539. Have you free access to the prisoners?—No.

1540. Do you think that it would be of advantage to you, and to them, if you had free access to them?—It would.

1541. Have you any statement to make to the Committee of any kind?—Only that I would like to have a daily service, and better accommodation for my duty.

1542. Is there a daily Protestant service?—Yes, every day.

1543. And you would wish to have a daily service at which you could instruct prisoners generally?—To instruct the prisoners, and at the same time to remove the temptation for them to attend the Protestant service instead of being locked up all day long, as there is no work done at the prison; and unless they attend the Protestant service, they would remain in their confinement.

1544. Is there a temptation for them therefore to attend the Protestant service?—There is great temptation.

1545. As a matter of fact, do any of them attend the Protestant service?—As a matter of fact, I have lately remonstrated, as some of them used to attend, and it has been stopped.

1546. Who has stopped it?—The visiting justices.

1547. Up to the time you remonstrated were the Catholic prisoners in the habit of attending Protestant worship?—There were one or two cases, but those were more mistakes on the part of the warder than on the part of the justices.

1548. The temptation existed, however?—It was a great temptation.

1549. The visiting justices thought it wrong to have a difference made, that while one body were attending their own worship, the other body should be locked up in their cells?—I think it is unjust.

1550. Have you any other statement that you wish to make to the Committee?—Nothing in particular.

1551. Mr. *O'Reilly.*] You were told by some of the warders, with regard to certain individual prisoners, that they had refused to see you, and subsequently, those prisoners told you that they had not refused?—They had not refused.

1552. How did you see those prisoners?—The next day I used to send for them to find out whether it was true, or not.

1553. Would it be the same warder the next day?—The same.

1554. Then they did not refuse?—They did not refuse.

1555. *Chairman.*] Do you attend the female as well as the male prisoners?—Yes.

1556. So that your duties are increased by that?—Yes; I must see one side on one day and one on the other.

1557. Mr. *O'Reilly.*] Do you see more than one prisoner at a time?—Only one at a time.

1558. Mr. *Holt.*] In what way have you not had free access to the prisoners?—I have a room set apart for myself, and I have before me the names of all prisoners that I can send for, and I give the warder a list of a certain number of prisoners, who are free to come or not.

1559. You can see any prisoner who wishes to come?—Any prisoner who wishes to come.

1560. In what way, then, have you not free access; what do you complain of?—That if word be brought back that the prisoner has refused to come to me, I cannot ascertain whether that prisoner has really refused or not.

1561. How would you remedy that?—By having personal access to the cells.

1562. You wish to be able to see each prisoner in his own cell?—Not always; only when they are said to have refused, I should like to be able to ascertain whether they refuse or not, because it is very often done by the warder to avoid perhaps a little work, or something of that sort.

1563. You would wish for permission to see each prisoner who is reported to have refused to see you, in his own cell?—In his own cell.

1564. Mr. *Matthews.*] How is that managed by the Protestant chaplain?—The Protestant clergyman goes from cell to cell.

1565. Mr. *Synan.*] What you mean to say is, that you have not the same free access to your denomination as the Protestant chaplain has to his denomination?—No.

1566. How did you find out this contradiction between this statement of the prisoner and the statement of the warder; was it when the prisoners were collectively together?—I asked the warder before the prisoner. The warder says: "Oh! the prisoner does not remember, or makes a mistake."

1567. You give a certain number of names to the warder, and tell him to bring them to you, and he comes back bringing some and excusing others?—Yes; he says they have refused.

1568. Were those prisoners collectively assembled at any time afterwards?—Yes, in the chapel.

1569. Was it then when they were together, and you compared one statement with the other, that you ascertained the difference between the warder's and the prisoner's statements?—Yes; when I ascertained the refusal, I took down the number of the prisoner, and said: "After two or three days I will send for the prisoner again," and two or three days afterwards the prisoner came; and I asked if he refused, and he said, "No."

1570. Would the prisoners be together then?—No; they would be in their cells.

1571. And not in their chapel?—No; only once a week they are in the chapel.

1572. Are you under the impression that the rules of the prison prevent you seeing them together?—No, not exactly that. I have permission to see them once more in the week together.

1573. Do you do so?—Yes, every Friday.

1574. And when you saw them together every Friday they then denied that they had sent you this message through the warder?—I could not ask them personally, as I had only an hour for instruction, and I had no personal interview with them.

1575. Do you think that instruction for an hour once a week, to 60 prisoners, is sufficient?—It is not sufficient.

1576. Are the 60 prisoners composed of male and female prisoners?—Yes.

1577. So that each sex would only get instruction once a fortnight; is that so?—No; the chapel is divided by a partition, and they are instructed together every Friday.

1578. Sir *John Trelawney.*] You told the Committee that you would like to have free access to the prisoners?—Yes.

1579. What limit would you put for that?—If

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I received any refusal, I would wish to go and see myself, and ascertain the truth of it.

1580. Do you not think that there might be a difficulty about the punishments, if you could go and see the prisoners at all times in the day?—I never interfere with the discipline or the punishment of the prisoners.

1581. You would wish to have the same privilege as the Church of England clergyman?—Yes.

1582. Is it not the case that Roman Catholic ministers have as much or more necessity for personal communication with their flock than the Protestant ministers?—Quite as much; the Protestant minister can see every one of them whenever he wishes, and I cannot; he goes to their cells.

1583. You require a rather expensive fitting up for your chapel, do you not?—Something more decent than we have at present.

1584. You would require a larger expenditure, would you not, than the Protestant clergyman would require?—I do not know what he would require.

1585. You would be content to have the same accommodation as that which is given to the Protestant minister?—What is necessary to carry out my services.

1586. Of that you would be the judge?—The prison authorities could ask anybody else, if they did not like to rely upon me.

1587. How much time would you take each day in order to do full justice to the 60 prisoners, and in order not to interfere with the punishment?—Three hours and a half.

1588. Mr. *Hutton.*] With reference to those accessories to the service of your church, did you buy them yourself?—No; I made an application to have an altar, and perhaps the authorities did not understand what an altar meant, and then it was refused, upon which I asked for the accommodation of a cupboard, and I obtained that, and accommodated my altar in this cupboaed.

1589. With regard to vestments, who provides them?—I have to provide them myself.

1590. Are they your own property, or the property of the Order?—The property of the Order.

1591. Mr. *Downing.*] To what parish are you attached?—To Hatton Garden; I belong to the Italian Church.

1592. How far is that from the prison?—Five minutes' walk.

1593. You stated to the Committee that you would wish for a daily service in the gaol?—Yes.

1594. I take it for granted, that if you had to perform the service of your church daily in the goal, it would occupy a very large portion of your time?—It would occupy about three quarters of an hour additional.

1595. And that would take you away from your other parish duties?—Yes; it always interferes with my work in the parish.

1596. Are you dependent upon voluntary offerings for your maintenance?—Entirely.

1597. With regard to the essentials necessary for the celebration of mass, I take it for granted that they are the same with all clergymen in every country, so far as the vestments, and the chalice, and the plate are concerned?—Yes.

1598. These are things which cannot be dispensed with?—They are quite indispensable.

1599. In fact, you could not celebrate mass without them; it would be contrary to the canons of the Church?—You could not do it without them.

1600. Mr. *Fowler.*] Who appointed you Roman Catholic chaplain to the House of Detention?—The visiting justices.

1601. Did they specially appoint you?—They specially appointed me, after an application which I made.

1602. You are appointed by them, and not simply have permission to attend?—I have a special appointment. I had an answer from them.

1603. Have you the answer with you?—Yes, it is as follows: "21st September 1869. Rev. Sir,—I am directed by the visiting justices of the House of Detention to acknowledge the receipt of your letter of the 18th instant, addressed to them, and to inform you that they feel inclined to accede to you request to be allowed to officiate on Sunday mornings, for the benefit of the Roman Catholic prisoners." That is as regards the Sunday service. The other letter is with reference to daily visits, and is dated 19th March 1869: "Rev. Sir,—I am directed by the visiting justices to acknowledge the receipt of your letter of the 12th instant, in which you request to be allowed to visit the Roman Catholic prisoners in this prison, instead of the Rev. Dr. Faa di Bruno, and to request that you will be so good as to attend their meeting, at the prison, on Monday next, at one o'clock, with such references, or credentials, as you may have in your possession."

1604. Then I take it that you applied under the direction of the Archbishop of Westminster for permission to visit the House of Detention, and that that permission was given by the visiting justices?—Yes, as Dr. Faa belonged to the same community, and was leaving for Rome, it was thought desirable that I should take his place, the prison being under our charge; it is in our parish.

1605. What is the Catholic population of your parish?—The parish is very small, regarding the population; it contains about 2,000 Catholics.

1606. And how many clergymen have charge of it?—We have four clergymen.

1607. So that you are one of four clergymen who have charge of 2,000 souls?—Yes.

1608. Do you consider that from two to three hours of your time daily is taken up by your attendance at the House of Detention?—It is quite taken up.

1609. I suppose that numbers of the prisoners you see there are only there, as a rule, for short periods; they are prisoners waiting for trial, are they not?—Generally; but some are sent for bail for five or six months.

1610. A large proportion are there but a short time?—Yes, for a fortnight or three weeks.

1611. I suppose the chapel you have there accommodates the prisoners you generally have attending the service?—The present chapel is a very uncomfortable one; it is a dormitory turned into a chapel.

1612. But it is large enough to accommodate all the prisoners?—It is large enough to accommodate the present number.

1613. Mr. *Dalrymple.*] The honourable Member for Longford asked you about an apparent contradiction with respect to the prisoners refusing to attend you; did you ask the warder respecting the accuracy of the statement?—I asked the warder, and he said, "You ought not to believe a prisoner, because he very often tells lies;"

I did

did not take much interest in it after that, as was the case of a man who was in for a short eriod.

1614. Have you ever applied for leave to see he prisoners together oftener than on Sundays nd Fridays?—No; I had two days in the week or instruction; but, in order to have the privilege f a Sunday service, I told the visiting justices hat I would give up one instruction in the week n order to have the Sunday service; so they ceded to my request, by allowing the Sunday rvices, and removing one week day's instruc- on.

1615. What is the largest number of prisoners t a time that you have had to minister to?— ifty or 55, or 60 at most.

1616. *Chairman.*] Is not Dr. Kirner a member your community?—Yes.

1617. Are you not obliged to have an ad- tional number of clergymen in consequence of ose prison duties?—Yes, it leaves only two iests for 2,000 people.

1618. Sir *John Trelawny.*] The accommoda- on in the chapel is not very good, as regards e size of the room, I believe?—No; and there e also beds and other sleeping accommodation the room.

1619. But supposing one chapel existed for l denominations, should you think there would any difficulty in using the same building?— do not think that my superior would allow at.

1620. Is it the rule that Catholics or Pro- stants attend the same churches on the Con- nent in some places?—I think it might be done exceptional cases.

1621. Do you know what has been done in witzerland?—I have heard of it.

1622. Should you see any objection in prin- ple to its being done here?—Not in principle, t in practice.

1623. Would there be any difficulty in that, if e hours were so arranged for the Protestants to end at one time, and the Catholics to attend at other; that would give you very much greater nvenience than you enjoy at present?—It is ry inconvenient to have different services in the ne place; it would take half an hour to put up altar, and everything connected with the vice.

1624. Still, if such a thing has been done, it uld affect your opinion?—It is impossible to it conveniently.

1625. Mr. *Synan.*] Did you apply for permis- n to instruct prisoners collectively two days in week?—Yes.

1626. Was that permission granted?—Yes, it s granted.

1627. I understood you to say that it was only Friday that you gave instruction?—When I l two days in the week, I had no Sunday vices.

1628. What you mean to say is, that you have week day and one Sunday; I understand to say that you made your first application visiting this prison on the 19th or 20th of rch?—Yes, on the 19th of March.

1629. I understand the permission to perform service, was only given on the 20th of September afterwards?—Yes, that was so.

1630. Are the Committee to understand, that the Roman Catholic prisoners were left without service from the 19th of March till the 20th of September?—Yes, and that was why I made the application, because they were locked up in their cells.

1631. They had no sort of service before the 20th of September last?—No.

1632. You complain of this altar that you call a cupboard?—Yes.

1633. Did you make any complaint about it?—I did not dare to make any complaint yet, but I intend to make it in time.

1634. Is it suitable for your purposes?—It is not exactly so.

1635. Is it a cupboard or table?—It is a sort of chest of drawers in a cupboard, and on this chest of drawers I fit up my altar.

1636. You do it on the top of a chest of drawers?—Yes.

1637. Mr. *Hutton.*] Do you know what would be the cost of the accessories for the altar?—It depends upon the material and the work.

1638. What would be a fair price for the necessaries; 50 *l.*?—Not so much as that.

1639. I think Mr. White, the chaplain for Westminster, said that he spent 150 *l.* over the accessories of the altar, and that it could not be done for less?—That would be the fitting up of the altar.

1640. Do you think that that is an excessive sum of money to spend over the fitting up of an altar, considering the vestments, and so on?—No, nothing at all.

1641. £. 150, you think, would be a proper sum?—Yes.

1642. Mr. *Dalrymple.*] An honourable Member asked you a question with reference to the Roman Catholic service; do you mean to tell the Committee that the Roman Catholics had no service before September last?—There was no service.

1643. There was no service before September last?—No.

1644. There was a service on Friday then, and there is one on Sunday now?—On Friday there is instruction, and there is mass and sermon on Sundays.

1645. Mr. *Downing.*] Do I understand you to say that you gave up instruction on the second week day for the purpose of getting liberty to celebrate mass on Sundays?—Yes.

1646. Did that occur in a personal interview between yourself and the visiting justices?—It was after my application. I stated in my application that in order to have this privilege of officiating on the Sunday I would give up one week day service.

1647. You made the proposal?—Yes.

1648. And you got permission to perform mass on Sunday?—Yes.

1649. *Chairman.*] Are there any remarks that you would wish to offer to the Committee upon any subject that occurs to you which has not been dealt with?—No, I do not think that there is anything further that I would wish to represent.

Mr. Henry Pownall, called in; and Examined.

Mr *H. Pownall.*

4 April 1870.

1650. *Chairman.*] You have been for a long time chairman of the justices of Middlesex, have you not?—For nearly 40 years a magistrate, and chairman of the quarter sessions for 27 years, and in virtue of that office I am *ex officio* a visiting justice of all the three prisons, Clerkenwell, Westminster, and the House of Detention, and of the school at Feltham.

1651. Do you wish to make any statement to the Committee with reference to the subject which engages its attention?—I have heard the evidence which has been given this morning, and, with regard to the House of Detention, I would say that I believe all the applications that have been made by the Roman Catholic priest have been acceded to. The proposal to give up one week-day's instruction, in order to have a Sunday service, was entirely a voluntary act of the priest; he proposed it in his communication to us, and we supposed that he did so because he was otherwise engaged, especially during the period of Lent. The prison, at present, is exceedingly crowded, and not equal to the wants that are required of it; and we were only able to fit up a small place, which was formerly a dormitory, as a Roman Catholic chapel, and which will hold, I think, perhaps 50 persons. We understood, certainly, from the governor with whom the priest who was just examined placed himself in communication, that he was perfectly satisfied with with the accommodation that was afforded. The chest of drawers, now called a cupboard, was made under his own directions, and the governor assured us (for I asked the question three or four times) that he had said he was perfectly satisfied with it; the drawers underneath hold his vestments. The cupboard (which is more like a wardrobe) opens, and, when opened, forms an altar, and I am surprised, now, that the Catholic priest objects to it. I should not be surprised at his objecting to the place as a chapel, because it is not adequate; but we have no other room that we could appropriate him at present.

1652. Is there any intention on the part of the justices to render that a more fitting place for divine worship?—I do not think it is possible for them to do so, but if they carry out their intention of enlarging the House of Detention, then, I think, his requirements would be attended to.

1653. You have heard the evidence to-day of Dr. Kirner; have you anything you would wish to state in reference to that evidence, as regards Coldbath Fields Prison?—With regard to the Sunday readings, it came upon me quite new and fresh, as it did to the chairman of the visiting justices, but I must say that I am exceedingly glad of it; it is one of those internal regulations which rest entirely with the governor, and I apprehend he has had recourse to that simply because many unpleasant observations were made with regard to locking up Roman Catholic prisoners while the Protestant prisoners were in chapel, which is absolutely unavoidable.

1654. You have heard that letter from the governor read by Mr. Glossop, in which it was stated that the prisoners were taken from the associated wards, does that satisfy your mind that they were not taken from the cells?—No, it would not; I scarcely understand what is meant by that phrase.

1655. You know the prison, I believe?—Perfectly well. I can understand what is meant by the prisoners being associated when they are on the treadmill, and when they are picking oakum, because in that part of the prison there are 700 or 800 all occupied together, but in other parts of the prison, in the new part especially, they are all in separate cells. In a part of the old prison the tailors are also engaged in association, and I apprehend that it means that those who attend the readings are selected from those who work in the associated rooms, because that is a privilege that is conferred, more or less, upon the prisoners who have been in the prison, we will say, upwards of three months, and have obtained a star, or who have not been reported. It is a bonus, in fact, to those prisoners.

1656. Will you allow me just to ask this question for information; in the new portion of the prison is not the separate system carried out?—Entirely.

1657. On the Sundays when the prisoners are not attending divine service in either church, are they not in their cells in this new part of the prison?—They are.

1658. Then if they are taken from the old part of the prison where they are necessarily in association, the majority who are in their cells have not the advantage of this reading upon the Sunday?—If that be so, certainly they would not, but as I said before, this comes upon me as something quite fresh, and therefore I am not able to enter into details respecting it; but whether the prisoners come out of their cells in the new prison, or from association in the old prison, I think it is in any case more as a matter of reward or encouragement than anything else. The cells in the old prison are not certified.

1659. Would you have any objection to an application on the part of the Roman Catholic priest for a second service upon the Sunday?—Certainly not; nor do I believe the visiting justices would have, if it had been applied for.

1660. Did you hear that even the applications for catechetical instruction which every church believes to be important, were refused?—I did not catch the dates of those applications, and much must depend upon the dates. The views of the visiting justices have, of course, been very much changed since the Roman Catholic Prisoners Chaplains Act was passed.

1661. This letter is dated the 19th of January 1869; have the feelings of the visiting justices undergone a change since then?—I only know that if it had come before us when I was on the Committee, I certainly should have supported it.

1662. The words are these, "With reference to your request to be allowed to deliver a catechetical instruction to the Roman Catholic prisoners every Sunday afternoon, the visiting justices desired that you should be informed that they regret that the arrangements of the prison prevent them from acceding thereto." Now do you think from your great experience that that is really a sufficient answer to the application?—To a certain point it would be, because the warders have part of the Sunday for their recreation, but I do not think that that would be such an objection as could not be overcome.

1663. There would be no more inconvenience, I suppose, to the prison officers, arising from the catechetical instruction, than from the reading which

hich you have now heard for the first time?—I annot conceive that there would.

1664. Do you imagine that there would be ore practical difficulty in assembling the pri-oners of each denomination on Sunday afternoon an on a Sunday morning when they go to their espective places of worship?—Yes, there would, ecause the warders would, many of them, be bsent from the prison, and I would just add that at is one reason why half the Protestant pri-ners are locked up in the afternoon; if we had e same appliances on Sunday as we have every y in the week, then at least 400 of the Protes-nt prisoners certainly might be assembled ther in one of the galleries, or somewhere else, d have an afternoon service.

1665. But you have two Protestant chaplains, believe?—We have.

1666. And could not any arrangement for the iritual instruction of Protestants in the after-on be adopted?—As far as chaplains are con-rned, with perfect ease; but we should require arders to unlock the men out of their different lls and to superintend them while they are in e chapel, and to guard against their communi-ting with each other, or any violent insubordi-tion.

1667. But that would not be an insuperable stacle?—It would be unless we kept all the rders in the prison.

1668. Is not the same inconvenience caused those readings if all the prisoners attend?—s I said before, it is quite a new thing to me, t I cannot imagine that the whole of the 360 tholic prisoners are admitted to those readings, I do not know of any room that would hold em. Those who are under punishment, and se in the infirmary, and several others, could t attend, so that I do not think it is possible the whole of them to be assembled on Sunday ernoons.

1669. With reference to the payment of the man Catholic priest, is there any practical son why a clergyman, of whatever persua-n, if he gives his time to the prisoners should be fairly paid for his services?—I am of nion that there could be no practical reason y he should not be paid; but there is this son: that it is not the law; Parliament has sen to leave it to the discretion of the magis-tes, and the magistrates have not chosen to rcise that discretion, I think, as far as I w, the sentiment of the bench; there are a at number of the magistrates, and I am free confess that I am one, who would not object pay the Roman Catholic priest for his ser-es, but who would object strongly to his ing an official appointment as chaplain.

1670. Now, first, with regard to the law, was the spirit of the Act of Parliament to give fullest possible power to the justices to do untarily that which the law compels others to compulsorily?—And which they decline to do ntarily; they do not wish to exercise the er which Parliament has given to them.

1671. But was not the spirit of the legislation favour of giving, as far as could be, equality ll?—I think it was.

1672. You state that the justices now are more ined to carry out this permissive power than were before?—Yes, certainly they are. ore the passing of the Act they only acted n the old statute which said that the chaplain d only see the prisoners one by one in trate cells.

1673. Do you not think that the prison authorities would have more power over the officiating Roman Catholic priest, if he were made a salaried officer, than they have at the present moment, when he has permission to go out and in as he pleases?—I do not think from the nature of our two positions, looking at the visiting justices on the one hand, and the Roman Catholic priests on the other, that the magistrates care or wish to have any power whatever over them; they have no choice in the selection of the priest, as no priest will offer himself to the visiting justices for the appointment, unless he has first the authority of his superior to do so.

1674. What distinction does that make?—With our Protestant clergy, when we are about to elect a chaplain, we advertise, and we have perhaps a dozen applications, we select the individual who will be most calculated for the service; with regard to the Roman Catholic priest, we profess ourselves incapable of deciding.

1675. How could you bring a Roman Catholic priest from any portion of the country by advertisement, if you do not pay him?—I have no objection to paying him for his services in the prison.

1676. Do you not think that the religious superior of the priest would be likely to select the person whom he thought would be the most fit for the duty?—I do not believe that Archbishop Manning knows so much about prison discipline as I do myself.

1677. But would he not know whether the clergyman was a zealous, devoted, and discreet man or not?—No doubt he might know that.

1678. Therefore he would select a fit man for the duty?—It is not the storing of the head that at all influences the feelings of the heart or gives a knowledge of character. You must have a man who is conversant with the habits of the poor and knows their circumstances, and not necessarily an intelligent, intellectual, and learned man. If the Archbishop was to send such a man to a prison he would be inadequate to perform his duties.

1679. But do not you, as a gentleman who has mixed amongst the poor and knows their wants and temptations, think that the missionary clergyman whom his ecclesiastical superior sends there and asks the appointment for, would be a very right and proper person to be appointed to the post?—We have no power of judging of that, for hitherto we have only had the Roman Catholic priest who has had permission to apply for the situation, and we have not felt ourselves either authorised, or at liberty, to say "No" to him; he is generally a foreigner.

1680. You heard the evidence of the three clergymen who had been examined here; is there any reason why they are not fit persons to discharge prison duty?—I believe the three clergymen now officiating in our prisons are competent to do their duty, and I believe unless imaginary grievances are made, as I certainly think they were this morning and on the first day, the gentlemen who now officiate at the three prisons would work harmoniously with the magistrates. If they have any complaint to make, they have only to ask to see the visiting justices, which they might do any day when the visiting justices meet, or if they would put their application in writing, as the minister of the House of Detention has done, it would be attended to.

1681. I would only ask you, if those clergymen

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are suited to their position and are willing to work in harmony with the justices, what practical objection could there be to the mode of selection which is given you of those clergymen?—We have nothing to do with the selection or the way in which they conduct their service.

1682. But the result is not injurious to the prisoners?—We have no power of ascertaining that, we do not know the circumstances, or the way in which the priest acts in his own locality, whether he is acceptable to the poor, or has been accustomed to attend them, or anything about it.

1683. Are not the four clergymen, if you believe their statements, that they are all missionary clergymen and accustomed to poor people, the most suitable persons for prison chaplains?—I say that the three that are appointed now work harmoniously, and seem, as far as we can judge, to perform their duty very satisfactorily.

1684. I will ask you one thing, from your knowledge of the world and general experience, if anything has arisen of an unpleasant nature, might it not be pardoned, on the score that up to the present time the Catholic clergymen have had to obtain every concession after frequent application and refusal, and that the same kindly feelings did not exist towards them formerly, as do now?—It is a geat pity, I think, that former times are not entirely forgotten on both sides, and that we do not start afresh from the passing of the Roman Catholic Prisoners Bill.

1685. Whose fault is it that that has not been done; do you not think it would be a good plan for the future, in order to conciliate this good will on all sides, to start by commencing to pay the Roman Catholic clergyman for his services, just as you would pay any other man for his duties?—It is almost a pity to put so sacred a subject upon the ground of mere pounds, shillings, and pence; the Protestant dissenters, it is quite true, do not attend the prisoners; because, though we differ upon minor points, we agree in the main, and, therefore, they do not think it necessary to come, and are not paid any more than the Catholic priests; but I have already said I would pay for his services in the prison.

1686. You stated that it was a pity to make so sacred a subject a mere question of pounds shillings, and pence; what would the Protestant chaplain say if he were not paid for the discharge of his important duties; he is paid, is he not?—Yes.

1687. You have two Protestant clergymen?—Yes, we have at Coldbath Fields; one at Westminster, and one at the House of Detention.

1688. They are well paid, are they not?—I will not say they are well paid, but they are paid. At the House of Correction we have 1,600 Protestant prisoners; the assistant chaplain receives a salary of 300 *l.* a year. At the House of Detention, where upon the average we have 260 of a fluctuating character, he receives 250 *l.*; and at Westminster, although the present chaplain has 400 *l.* a year, it is after nearly 35 years' service, and the next one will be appointed at 300 *l.* a year.

1689. But do you not think it would be a very great wrong to ask a Protestant clergyman to give any portion of his time to a prison, without paying him?—Certainly; I have not the least objection to paying the Roman Catholic priest for his services, but I have an objection to giving him an official status.

1690. You state that inasmuch as Dissenters and Protestants agree in the main, there is no necessity for a Dissenting chaplain?—Certainly.

1691. But do you not know, on the other hand that there is a wall of separation, so far as doctrine is regarded, between the Catholic and the Protestant; that a Catholic cannot receive the ministrations of a Protestant clergyman, or go to a Protestant place of worship?—I know that.

1692. Therefore the case of the Catholic clergyman and the Catholic prisoner is not analogous to the case of the Presbyterian or the Baptist prisoner and minister?—But unfortunately the Roman Catholic priests do not make the same allowance to us as we are required to make to them.

1693. What impression do you wish to convey to the Committee by that?—In small things such as this, for instance, that a man makes a statement when he comes to the prison that he is a Protestant, but afterwards turns out to be a Roman Catholic, it is made a grievance that we do not allow him to change his religion; if we did that you may imagine, with 2,000 prisoners, how very soon we should get into a state of the utmost confusion. We have, therefore, laid it down that what the prisoner states when he enters the prison is put upon the record, and the record open to the Roman Catholic priest whenever he comes; but unless the prisoners are exceedingly ill, and require to see the Roman Catholic priest they will not be permitted to change their recorded religion.

Thursday, 7th April 1870.

MEMBERS PRESENT:

Mr. Dalrymple.
Mr. Dimsdale.
Mr. Downing.
Viscount Enfield.
Mr. Arthur Guest.
Lord Henley.
Mr. Hutton.
Mr. Knatchbull-Hugessen.
Mr. Maguire.
Mr. Matthews.
Mr. O'Reilly.
Lord Pelham.
Mr. Synan.
Sir John Trelawny.
Mr. Walpole.

JOHN FRANCIS MAGUIRE, Esq., IN THE CHAIR.

The Rev. Dr. ÆMILIAN KIRNER, re-called; and further Examined.

Rev. Dr. *Æ. Kirner.*

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1694. *Chairman.*] AT the last sitting you were sked this question: "What is the number you e allowed to see collectively?" and your answer as, "I think I must have made a mistake in ying 12; I think the rule is changed now, and is 25," do you wish to say anything in refer- ace to that answer?—I wish to say this, that ie printed rules which are hung up in my room ated that the number allowed to be seen col- ctively was 10 up to last Saturday, and when came back last Tuesday I looked at the rule to erify whether it was 10 or 25, and I saw then ritten in ink "25."

1695. Had you seen the rules a few days before?—I had, but I only saw 10 in the print, and I am informed now that the change had been made from 10 to 25 before; but that the printed rules in my room had never been altered until the day I was examined.

1696. Mr. *Knatchbull-Hugessen.*] Had you no means of knowing of the change except from seeing that alteration in the printed rules?—I am expected to go by the rules in my room.

1697. You were not informed of the change in the rules?—No, I was not.

The Rev. Mr. BOND, re-called; and further Examined.

Rev. Mr. *Bond.*

1698. Mr. *Synan.*] I WAS under the impres- on that I asked you on the last day, whether nsidering the intellectual and moral training of e 300 prisoners that you were in attendance on, it would be as difficult to attend to them iritually and morally, as it would be to attend 500 Protestants?—Yes, I think I said it ould be.

1699. Do you think that those 300 prisoners at you are in attendance upon would require e whole of your services?—Yes, I think that 0 prisoners would require the whole of my rvices.

1700. If they were properly attended to?— es.

1701. Lord *Henley.*] Do you mean the Com- ittee to infer that it would not be possible for a ngle Roman Catholic clergyman to attend to 0; that that would be a greater number than u could possibly attend to?—It would depend on the facilities that were given to him; at e same time I do think that 300 prisoners ould give full work to a Roman Catholic priest ring the day, if time were given him to vote to them.

1702. Surely you must be aware that in a great many parishes in England a clergyman has to look after a far larger number of people than that, who are scattered over a considerable area, whereas your prisoners are all under one roof?—Yes; but we must draw a distinction between the state in which we find these poor Catholic prisoners, and the state of persons who are not in prison; the conditions of the two are so very different; the poor Catholic prisoners are very ignorant. We do not find out of the prison, as a rule, that ignorance which we find in the prison.

1703. Therefore you think a clergyman could attend to a very much larger number of ordinary persons than he could to those undergoing correction?—Certainly.

1704. Mr. *Knatchbull-Hugessen.*] Is it not the case, so far as you know the doctrines of the Established Church of England, that your Church exercises a great deal more individual supervision over the members of your flock than is the case with the Protestant Church?—That is the case.

Mr. HENRY POWNALL, called in; and further Examined.

Mr. *H. Pownall.*

1705. Mr. *O'Reilly.*] YOU stated to the Com- ttee on the last sitting, that "we were only le to fit up a small place, which was formerly dormitory, as a Roman Catholic chapel;" am correct in saying that it not only formerly was, but is a dormitory now, and is used as such?—I presume you allude to the House of Detention. I believe it is; I ought to have stated that at the time, but it is not as a dormitory that it is used as a chapel, because some weeks ago I visited it, and

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and had one or two alterations made, and all the bedding and dormitory furniture removed into an adjoining large closet, so that the bedding should not be in the room when it was used as a chapel.

1706. But it was not only formerly used, but it is used as a dormitory now?—It is now, at night, used as a dormitory from necessity.

1707. You stated to the Committee that the assembling of all the Roman Catholic prisoners together, or of a considerable number of them, for religious readings on the Sunday afternoons, was a matter of internal regulation, which would rest entirely with the governor of the prison; I confess I was rather surprised at that statement, and I would like to know whether you consider that the assembling of all the prisoners together is a matter which rests entirely with the governor of the prison?—You now allude to Coldbath Fields Prison. No; I should qualify that answer, and at the same time state that not more than about 70 to 80 of the Roman Catholic prisoners are assembled in this room on Sunday afternoon; I know that the number does not exceed 80 or 82.

1708. What is the total number of Roman Catholic prisoners?—The total number of Roman Catholic prisoners is about 380, but not all of those would attend the service; last Sunday, for instance, only 302 attended the Roman Catholic chapel.

1709. Would you consider, then, that the question of assembling together from 70 to 80 prisoners, is a matter resting entirely in the discretion of the governor of the prison?—I think so far as the present arrangements of the prison go, it was a very wise alteration, the cells in which these 70 or 80 are confined not having been certified.

1710. I am not asking with reference to its goodness at all, but whether it is a matter which rests in the discretion of the governor of the prison?—I think it does, owing to the construction of the prison; but the governor of the prison is here, and will give you information with reference to that point.

1711. You stated, in answer to a question put by an honourable Member, on the last sitting of the Committee, that you would have no objection to a second service on the Sunday for the Roman Catholics in the prison, nor did you believe that the visiting justices would have, if it had been applied for; to what prison did that answer apply, or did it apply to all prisons under the jurisdiction of the Middlesex magistrates?—It would apply more immediately to the House of Correction at Clerkenwell, of which we were then talking; but I see by the evidence that it was applied for, and a reason given against it; I was not aware of that circumstance, not having attended the Committee at the time. I see no reason why it should not be granted at Westminster and the House of Detention.

1712. And so far you would qualify your answer with reference to your belief that the visiting justices would have granted permission if he had been applied for, knowing now that it was applied for, and that they did not grant it?—I do not know if I had been there how it might have been. I do not know what the majority against it was; it might have been so slight that one or two votes would have turned the scale the other way.

1713. But you would not retain the answer that the justices would have granted it, if it had been applied for, knowing that it was applied for, and that they refused the application?—Certainly not, as far as relates to Coldbath Fields.

1714. Referring to the House of Correction for men at Coldbath Fields, you stated as a reason why the Roman Catholics should not be allowed an afternoon service upon the Sunday, that you could understand that there would be a difficulty owing to so many of the warders being absent upon the Sunday afternoon; and you went on to say that "that is one reason why half the Protestant prisoners are locked up in the afternoon; if he had the same appliances on the Sunday as we have every day in the week then at least 400 of the Protestant prisoners certainly might be assembled" to have an afternoon service; is it not the fact that there is an afternoon service for the Protestant prisoners, and that all the prisoners who have not attended the morning service do attend the afternoon service; and the reason given for the chapel not being filled is that it might be considered as an additional indulgence to some which could not be granted to all if some of the Protestant prisoners attended two services in the day and the others only one?—Allow me to say that that is not so. The chapel will only hold about 800, and there are upwards of 1,600 Protestant prisoners, consequently half go in the morning and half in the afternoon. I should wish to qualify what I said respecting the inconvenience arising from the want of officers in the prison for I have gone more minutely into that case since I gave my first evidence, and I do not think that that is an insuperable difficulty.

1715. I am sorry to have to repeat my question to some extent; you stated to the Committee that the want of warders was one reason why one half of the Protestant prisoners were locked up in the afternoon; is that the reason?—It is to a certain extent, but, as I just now stated, I think that difficulty might be overcome for a part of the number, the remainder would be in their cells, because there was no room for them in the chapel.

1716. You tell the Committee that there are 1,600 Protestant prisoners in the prison; that the Protestant chapel will only hold 800, and that 800 fill the chapel for the morning service, and 800 for the afternoon, and yet you say that the absence of warders is a reason why some of the prisoners are locked up on the Sunday afternoon would you be kind enough to explain that to the Committee?—I do not think that that reason is a good one. I thought, when I was examined the other day, that more warders were absent on Sunday, than I now find to be the case. There are not more than 30 warders absent on Sunday out of nearly 140, and, therefore, I think that arrangements might be made for both the Roman Catholics to have service of an afternoon, and that a portion of the 800 Protestant prisoners who attended the chapel in the morning, might go to service in another part of the prison in the afternoon, inasmuch as we have two chaplains, and they could be each holding a service at the same time.

1717. Then I understand that your answer now is, not that the absence of the warders has anything to do with the absence of the Protestants in the present chapel; but that the absence of the warders applies to another thing which you did not explain on the previous day—namely, that in addition to the present afternoon service for Protestan

rotestants in the existing chapel, which is at-
nded by as many as it will hold, there might,
your opinion, be two different Protestant
rvices in two different places on Sunday after-
oon for the Protestant prisoners?—That is my
eaning.

1718. You stated, in answer to a question on
e last sitting of the Committee, "I believe the
ree clergymen now officiating in our prisons
e competent to do their duty, and I believe,
nless imaginary grievances are made, as I
rtainly think they were this morning, and on
e first day, the gentlemen who now officiate
the three prisons would work harmoniously
th the magistrates;" and then, in answer to
other question, you give, as an example of an
naginary grievance, this: "For instance, a man
akes a statement, when he comes to the prison,
at he is a Protestant, but afterwards turns out
be a Roman Catholic; it is made a grievance
at we do not allow him to change his religion;"
d then you go on to explain how you cannot
so; I wish to know whether you can tell us
s that was not made a grievance before this
ommittee) whether it was in any form alleged
a grievance before the visiting justices?—I am
t quite certain that it was in writing, but I
rtainly heard it in several directions; in one
se from a Roman Catholic magistrate upon our
nch, who has expressly told me that he thought
was a very great grievance that a prisoner
ght not change his religion, and it is made a
ievance that the chaplain sees all the prisoners
e morning after the record is made at West-
nster.

1719. But you will not be disposed to dissent
m what I have said, that it was not stated be-
re this Committee as a grievance, and that, as
as you were aware, it has not been brought
ward before the visiting justices by any autho-
y as a grievance?—I am not aware that it has
en brought before the visiting justices.

1720. You are quite aware of the practice in
ferent prisons, as to the registry of prisoners
regard to their religion?—I am.

1721. It has been stated to the Committee
at the practice, especially in the Westminster
ison, is this: that a prisoner, on coming in, is
gistered by an officer of the prison, I believe a
rder of some rank; that registration is made
th regard to several items; for instance, the
soner's age, the crime for which he is com-
tted, and also his religion; and that, on the
llowing morning, he is seen by the chaplain of
e prison; and if it appears, or there is reason
think, that the answer which the prisoner gave
the previous evening on his entry to the pri-
n is inaccurate, it is changed; have you reason
believe that that statement is correct?—I am
t aware that it is. Speaking of the House of
rrection at Clerkenwell, the chaplain has
ased to see any of the prisoners who have de-
ared themselves to be Roman Catholics, for up-
rds of the last six months. Formerly, he
ed to see them, but he does not see them now.
Westminster it is the case that the Protestant
rgyman did see them, but held no religious
nmunication whatever with them. A prisoner
required, on his entrance to the prison, to de-
re of what religion he is, and that is entered
the book, according to the schedule in the Act
Parliament, at each of the prisons; and, as I
d the other day, unless a prisoner who has de-
ared himself a Protestant is taken exceedingly
0.60.

ill, and then wishes to see a priest, declaring himself to be a Roman Catholic, he is not allowed to change.

1722. Then do I understand you, with your very perfect knowledge of the discipline of our prisons, to state that the original registry, with reference to religion, which is made on a prisoner entering the prison, is not changed, except either in the infirmary, when a prisoner is very ill, or by order of the visiting justices?—Yes, that is so.

1723. You would be rather surprised if I pointed out to you evidence to the opposite effect, would you not?—Certainly, I should.

1724. You mentioned, I think, on your last examination, that all applications which had been made by the Roman Catholic priest, with regard to the House of Detention, had been acceded to; would you extend that to include all applications which have been made on behalf of the Roman Catholics in the prison since the passing of the Prison Ministers Act?—No, certainly not.

1725. Would you kindly explain that to the Committee?—As far as I am aware, all the applications which I have heard of for the last six or eight months have been complied with. There was an application about three weeks or a month since from the Roman Catholic priest for another priest to officiate in his stead for a certain time, and the answer to that was, "Give us the name and address of the priest who will be required to attend, and then we will give an answer." The reason for that was, that if we had not known the address of the priest who was to be the substitute, and any Roman Catholic was taken seriously ill, we should not know where to send to him, which would, in all probability, cause some observations to be made.

1726. Taking your answer on the last meeting of the Committee to be qualified to the extent that all applications made within the last six or eight months have been complied with, would you be kind enough to tell the Committee, as far as you know, what applications have been made with regard to Roman Catholics in that prison since the passing of the Prison Ministers Act in 1863, and the extent to which they were complied with, or refused, at different times?—I am not able to reply to that accurately, because, for nearly two years, I was so unwell that I ceased to attend the prisons, and took as little of the duty as I could help; but, as far as I know, the applications have been for the priest to visit, which, of course, the Act gives him power to do. He saw the register; he has had the control of the Roman Catholic library, and we have given what books were applied for by the Roman Catholic priest. With reference to his application to have Sunday service, I think he pointed out that any large room would answer the purpose. Then this, which is now used as a dormitory, was fitted up as I stated, and, as far as I understood, quite to the priest's satisfaction.

1727. Will you excuse my pointing out that my question applied exclusively to the period antecedent to the last six or eight months to which your former answer had reference, and that a great part of the answer you have just given me manifestly applies to facts posterior to that date; I will just ask you this question, When were these two years during which you were not cognisant of the affairs relating to the prisons?

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prisons?—I think from about 1866 to nearly the close of 1868.

1728. It has been mentioned that the first time mass was celebrated in the prison was in September last; could you tell the Committee whether any application to have religious service for the prisoners in that prison was made to your knowledge since the passing of the Prison Ministers Act in 1863, previously to the application immediately before last September, which led to its being adopted?—I am not aware that there was any; if there was, it must have been when I was not upon the committee, and did not hear of it.

1729. Allow me to ask you rather a larger question; was an application ever made to celebrate mass generally in the prisons under the administration of the Middlesex magistrates, not long after the passing of the Prison Ministers Act, and refused?—I cannot speak from being present at the time with reference to any particular application for mass, but I apprehend that when an application was made for a Catholic service to be performed, it included mass.

1730. Was any such application made and refused to your knowledge since 1863?—Not to my knowledge, nor was one, I think, for the celebration of mass.

1731. Was not an application made, soon after the passing of the Prison Ministers Act, to allow the priests to see more than one prisoner at a time, and was not that, in the first instance, refused by the visiting justices?—It was, under an opinion which we obtained, I think, from the Attorney General and some other counsel, just before the passing of the Prison Ministers Act; after that we took another opinion, which was contrary to the first, and upon that the magistrates conceded that the Roman Catholic priest might see more than one prisoner at once.

1732. Would you kindly inform the Committee of the date of that second opinion, and when the magistrates acceded to the Roman Catholic priests seeing more than one prisoner at a time?—I really cannot charge my memory with the date, but the minute books are here.

1733. You have had very extensive experience of this matter; will you tell the Committee how soon it was before that, in any prison under the Middlesex magistrates, permission was given to assemble the Roman Catholic prisoners together for purposes of common instruction?—I think some few months, but I really cannot speak with reference to the exact time.

1734. Can you tell the Committee how soon after the passing of the Act it was that any permission to hold religious services on Sunday was given by the Middlesex magistrates?—I cannot, but the minute books of the House of Detention, and the clerk to the House of Correction, are both here, and the clerk will be able to answer that question.

1735. But you will not be disposed to doubt the accuracy of what I say, that it was a very considerable time after the Act had passed before permission was given to hold such services?—I think it was.

1736. You stated in your last examination that you would have no objection to paying a Roman Catholic priest for his services, but you would object strongly to his having an official appointment as chaplain?—I am of that opinion.

1737. Could you tell the Committee how many discussions there have been upon this subject before the bench of magistrates, of which you are the chairman?—Either three or four, but I am not quite sure which.

1738. And the first discussion would be about what date?—The first, I think, was in 1864 or 1865.

1739. And when was the last?—The last was, I think, 1869.

1740. Were you present at all those discussions?—Yes.

1741. And you took a part in them, I think?—No, I am chairman, therefore I do not take a part in them.

1742. Did you not speak at any of those discussions?—I think not.

1743. Did you take any mode of letting this opinion of yours, in favour of paying the Roman Catholic priest, be known to your brother magistrates, of whom you were chairman?—Not officially; but in conversation I have often expresed myself to that effect.

1744. But you voted, I think, against any payment being made?—I have never voted upon that question in the court.

1745. But you did not in any public way express your opinion, or bring forward any proposition to pay the priests without giving them a special appointment?—No, I did not.

1746. Did any one of your brother magistrate do so?—I think not.

1747. Then no one of your brother magistrates sufficiently coincided in the opinion which you say you expressed in private as to bring it forward so as to let your opinion be publicly known as well as privately?—No; the discussions in our court have always been to appoint a Roman Catholic chaplain with a salary.

1748. Although you had a discussion upon that point, you did not suggest the question which was in your own mind, that he had better be paid, but not appointed chaplain?—No.

1749. You said you had no objection to paying the Roman Catholic minister for his services, but that you had an objection to giving him an official status. Would you kindly explain to the Committee exactly what you mean by giving him an official status?—There are several grounds upon which I should object.

1750. I do not mean the grounds of your objection, but what would you object to?—I should object to a Roman Catholic priest being appointed a chaplain to the gaol, because the magistrate have no power of selection, and because I think that, as we have an established religion, we ought not to have two established sets of ministers in the country.

1751. Will you kindly explain to the Committee the way in which you would propose to see your view of having the priest paid, but no appointed chaplain, carried out; because you will see that it is very important (this being the first time that anyone, except your private friends have had an opportunity of knowing your opinion), that we should have an opportunity of understanding it as clearly as possible?—I coincide a good deal with what Captain O'Brien said the other day, which was to the effect that if so much per head, according to the number of Roman Catholic prisoners who were in the prison, were paid to the Roman Catholic priest and he be merely permitted to attend, it might be satisfactory.

1752. That is as to the amount of payment, but what the Committee chiefly want to know is wh

what you would propose with reference to appointing him so as to avoid this objection of yours to giving him an official status?—That the court of quarter sessions should agree that a remuneration be paid, and that the mode in which it should be done should be left to the visiting justices of each prison.

1753. Then you would propose that the court of quarter sessions should decide the question of payment in the abstract, but that the amount should be left entirely to the visiting justices?—Entirely; it is a part of the prison arrangements, and those are all committed to them by the court. It is only for the court to decide upon the principle, and to let the visiting justices carry it out.

1754. Do the visiting justices then decide upon the salaries of all the other persons employed in the prison?—They do in the first instance, by reporting to the court, and if the court approves of their recommendation, then that would be the salary given.

1755. But in this instance you propose that the visiting justices should decide the question absolutely with regard to the remuneration?—I think that it should be done in that way rather than there should be a second report to the court, in order to avoid an unpleasant discussion which might ensue upon it.

1756. Would not a much more probable result be, knowing the opinions which have been expressed by the visiting justices, that they would never trouble the court by recommending any payment at all?—Quite the contrary; I think the visiting justices have refrained from taking any steps in this matter in consequence of the decided opinion expressed by the court by whom they themselves are appointed.

1757. You are a visiting justice yourself, I believe?—I am, *ex officio*, as chairman.

1758. Can you give any reason for thinking that the majority of the visiting justices in any one prison are in favour of paying anything to the Roman Catholic priest?—Several individuals, I believe, are in favour of it, but, speaking of the visiting justices generally, I do not believe they are.

1759. I asked the question with reference to the majority?—The majority, I think, are against it.

1760. My question has no reference to the amount of payment; I want to know into what position you would propose to put the Roman Catholic priests whom you propose to pay, so as to avoid your objection to giving him any official status?—My suggestion is, that the visiting justices should approve, as they do at present, of the Roman Catholic priest visiting the prison, and that he should conform to the rules and regulations of the prison. Those rules would, of course, be communicated to him, and I hope he would attend to them.

1761. Then I must take the matter a little further; what would be the position of the visiting justices with regard to the priest if your proposition was carried out; am I right in saying that they would have the duty of paying him, the power of dismissing him, and the power of compelling him to observe such rules with reference to the discharge of his duty in the prison as they might think it necessary to make?—They would have all the power over the Roman Catholic priest that they have with the Protestant minister, without interfering with his religious duties.

1762. And what rights do you propose that the priest should have as regards them; would you propose that he should have the same rights as regards them as the Protestant chaplain has?—I am not aware what rights the Protestant chaplain has, except that he reports having done such and such duties; I can see no objection to the Roman Catholic priest keeping a journal, and that that journal should be laid before the visiting justices at their weekly meetings, just the same as the journal of the Protestant clergyman is.

1763. You say that the visiting justices should have all the rights with regard to the Roman Catholic priest who is appointed and paid, that they have with regard to the Protestant chaplain; my question is, whether on the other hand, as they are to be in the same position with regard to the Roman Catholic priest that they are with regard to the Protestant chaplain, the Roman Catholic priest should be in the same position with regard to the visiting justices, as the Protestant chaplain is with regrrd to them; and, if not, why not?—I see no difference in the performance of the duties; but I do see a difference between the visiting justices stating that the priest is appointed as chaplain to the prison in the same way that the Protestant clergyman is appointed, seeing that the law of our country is different with regard to the appointment of the Roman Catholic priest, with which the visiting justices have nothing whatever to do, in their several localities, while they have everything to do with the clergyman.

1764. Your objection then is to his being appointed a chaplain?—It is.

1765. And only to the word "chaplain"?—I object to his being considered as a public officer; a regularly constituted chaplain with an endowed salary, if I may use the phrase. I would say that we have the power of dismissing the chaplain when he violates the prison rules without any communication with the bishop of the diocese.

1766. And you would have the same power of dismissing the Roman Catholic priest, would you not?—Yes, certainly.

1767. Have you the power of dismissing the chaplain of the prison without any cause?—We should, of course, not do so, neither would the court sanction it; we must report the circumstance to the court, and if we had no cause for recommending the dismissal, the court would only laugh at the visiting justices for attempting it.

1768. Do you not wish to have any more power over the Roman Catholic priest than you have over the Protestant chaplain as regards dismissal?—No.

1769. Your objection is to the word "chaplain"?—No, my objection is to making him an officer of the State, which he would be, more or less, if he were the appointed chaplain of the county gaol.

1770. Would he not be, more or less, an officer of the State if he were appointed chaplain to the county gaol, if he performs certain duties, for the performance of which he will be responsible to the governor of the prison?—Yes, but he would be permitted to do so in the one case, and officially apppointed and officially recognised in the other.

1771. Mr. *Matthews.*] You wish him to do all the work?—We should not interfere with his work.

1772. If you paid the Roman Catholic priest,

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you would wish him to perform the duties of a chaplain?—We should expect him to come to the prison and see the prisoners.

1773. And you would expect him to perform towards those prisoners all the duties of the chaplain? — I do not know, and none of the justices profess to know what the duties of the Roman Catholic priest would be.

1774. Prayer, spiritual counsel, and instruction; would not all those duties be within his province?—Yes, but what more there might be I could not tell.

1775. You would expect him to do all this?—Yes; but how are we to judge whether he does or not. We can neither go to the chapel, nor ask the priest questions upon the subject.

1776. Now, let me ask you a few questions with reference to the conduct of the court over which you preside; the Prison Ministers Act was passed in July 1853?—Yes.

1777. I see you were at the November Session in the year 1863?—I was.

1778. Do you remember this motion being made by Mr. Swift, "That the number of prisoners professing the Roman Catholic religion, in the House of Correction, Coldbath Fields, and the House of Correction, at Westminster, and the House of Detention, Clerkenwell, respectively, is so great, as in the opinion of the court, to require the ministration of a minister of their own church; and such motion having been seconded by Mr. Serjeant Bellasis, Thomas Turner, Esq., moved, by way of amendment, 'That the questions raised by the motion of Mr. Swift, be referred to a committee, composed of the visiting justices of the three county prisons to consider, and report thereon; and that the further discussion of such questions be adjourned to the next county day, when such report is to be received;' which amendment having been seconded by W. H. Wyatt, Esq., was put to the vote, and on a division, lost; the original motion was then put to the vote, and on a division, was also lost"?—That is correct; I remember it.

1779. The next step was a refusal on the part of the court of quarter sessions, immediately after the passing of the Prison Ministers Act, to carry out the powers which were given to them under it?—Yes, as to paying the Roman Catholic priest.

1780. The next motion was in April 1864, when Mr. Laurie moved: "First, that it appearing from the returns presented by the visiting justices of the three county prisons to the court on the 18th February 1864, that at the date of such returns the number of Roman Catholic prisoners in the House of Correction was 391, in the Westminster Bridewell 223, and in the House of Detention 35, making an aggregate number of 639, this court is of opinion that it is expedient to provide for the regular ministration of a minister or ministers of the Roman Catholic Church or persuasion, for the prisoners of that church or persuasion, who shall receive a reasonable sum as recompense for his or their services under the provisions of the Prison Ministers Act, 1863. Secondly, that it be referred to the respective committees of visiting justices of the three county prisons to confer and report, either jointly or separately, as to the nature and extent of the duties to be performed by, and the nature and extent of the accommodation requisite for, the due performance of the ministrations of such minister or ministers referred to above in such prisons respectively, and whether such ministrations can be duly performed by one or two minister or ministers, and what sum or sums would be a reasonable recompense for the services of such minister or ministers;" and the same having been duly seconded, E. W. Cox, Esquire, moved, pursuant to notice, the following amendments, viz.: "That the visiting justices of the House of Correction at Coldbath Fields and Westminster be requested to carry into effect so much of the 3rd section of the 26 & 27 Vict. cap. 79, as relates to permitting a minister of the church or persuasion to which prisoners belong, to visit such prisoners at proper and reasonable times, under such regulations as they may deem to be necessary to the preservation of the discipline of the respective prisons. That the visiting justices of the House of Correction, Coldbath Fields, be authorised to pay the Roman Catholic minister, who may be allowed to attend the Roman Catholic prisoners, a sum not exceeding 150 *l.* in any one year: that the visiting justices of the House of Correction at Westminster be authorised to pay the Roman Catholic minister, who may be allowed to attend the Roman Catholic prisoners, a sum not exceeding 100 *l.* in any one year;" and such amendments having been duly seconded, the same were put to the vote, and on a division lost. Mr. Serjeant Payne then moved, pursuant to notice, as a further amendment to Mr. Laurie's motion: "That it appears to this court that, by laws now in force, all prisoners who belong to churches or persuasions differing from the Church of England, in addition to the instruction they may be willing to receive from the chaplain of the prison, are entitled, at their own request, to be visited by a minister of the religious persuasion to which they belong; but no prisoners are compellable to receive such visits against their will: that, comparatively few prisoners of the various religious denominations have made such requests, and those who have, have been duly visited. This court is, therefore, of opinion that the present arrangements for the moral and religious instruction of the prisoners are sufficient, and that any appointments by this court, or permission by the visiting justices, for Roman Catholic priests to attend at the prisons on all occasions, whether their ministrations are required, or not, would be unnecessary and improper;" and the last amendment having been seconded by H. Harwood Harwood, Esq., the same was put to the vote, and on a division, carried. It was then put to the Court as a substantive motion, and carried? — Yes, all this is correct.

1781. Do you approve or disapprove of that interpretation of the Prison Ministers Act, that "All prisoners who belong to churches or persuasions, differing from the Church of England in addition to the instruction they may be willing to receive from the chaplain of the prison, are entitled, at their own request, to be visited by a minister of the religious persuasion to which they belong"?—I think the Roman Catholic clergyman might see all the Roman Catholic prisoners, whether they request it or not, and so with all others.

1782. But I am drawing attention to this; do you not know that the Prison Ministers Act says that the visiting justices may, if they think fit, without the request of any prisoner, allow the priest to visit him?—Yes; the visiting justices do allow it.

1783. But

1783. But this motion, which your court adopted, assumed that the request of the prisoner is still necessary?—I did not draw up the resolution, and I cannot be responsible for it.

1784. That is the view of the Prison Ministers Act, which your court adopted by that resolution; now I will just take you to the next date, July 1864; do you recollect this letter of your secretary, Mr. Skaife, to Mr. Baring, who must have been, I think, at that time, Under Secretary of State for the Home Department?—Yes.

1785. It is dated the 26th of July 1864; there is a good deal of preliminary matter, and the letter ends by stating, "The visiting justices then resumed the consideration of your letter of the 23rd of May last, and have passed the following resolution: 'That the governor do give directions that each Roman Catholic prisoner on his entry into the prison shall be asked whether it is his wish to receive the visits of a priest or not, and that a stated time on such day or days as may not interfere with the prison arrangements be appointed for those answering in the affirmative, to receive such visit, and that inquiry to this effect be at once made of all Roman Catholic prisoners now in the prison.'" Do you recollect that letter?—I do not recollect that letter, but I recollect a correspondence upon the same subject.

1786. May I take it that that resolution had your sanction as a visiting justice?—I would not pledge myself to agree with all the resolutions that are passed.

1787. I only want to know whether you are cognisant of that?—Yes, I agree with that, because I think that was the interpretation of the Act of Parliament, that no prisoner was bound to receive the visit of any minister if he did not approve of it.

1788. Was that resolution acted upon after that in the prison?—It was.

1789. So that you did, in effect, require each prisoner expressly to state his wish to receive the visit of the priest upon his entry?—Yes.

1790. Now we will take the next date, October 1864; this is an extract from the Minutes: "So much of the report of the visiting justices of the House of Correction at Coldbath Fields, laid before the court on the last county day, as related to the proceedings of the visiting justices with reference to the Prison Ministers Act, was considered, and Mr. Serjeant Payne, having moved pursuant to notice, 'That this court has learnt with satisfaction, from the report of the visiting justices of the House of Correction at Coldbath Fields, that they have so far carried out the intention of the Prison Ministers Act, and the resolution of this court, as to prevent the unnecessary attendances of a Roman Catholic priest at the prison, by limiting his visits to those Roman Catholic prisoners, who, in answer to inquiry, shall have expressed a wish to receive them, the Statute declaring that no prisoner shall be so visited against his will; at the same time this court desires to draw the attention of the visiting justices to the further provisions of the Act (which do not appear by the report to have been considered), by which it is required, that such visits shall be under such restrictions imposed by them, as may guard against the introduction of improper persons, and prevent improper communications; this court considering that without those restrictions, the safeguards intended by the legislature will not have been carried into effect;' and Mr. Serjeant Payne having moved, by way of addition to the preceding motion the words, 'and that the visiting justices be therefore requested to report to this court, such restrictions as are imposed by them;' which addition having been duly allowed, the motion, as amended, was put to the vote, and, on a division, carried?"—Yes, that was so.

1791. So that not content with the regulations I have read in Mr. Skaife's letter, your court desired the visiting justices to impose further restrictions, to prevent the unnecessary attendance of the Roman Catholic priest?—I think it was necessary, because upon one or two occasions there had been communications with the prisoners' friends outside. These observations will apply equally to the Protestant clergyman as to the Roman Catholic priest.

1792. What restrictions have you in force to prevent the introduction of improper persons, and to prevent improper communications by the Roman Catholic chaplain?—The chaplains have no power whatever of bringing any person into the prison.

1793. But surely this resolution does not mean simply that the Roman Catholic priest is to be subject to the same rule as the Protestant chaplain?—I think it does, so far as seeing the Roman Catholic prisoners whom he has a right to see goes; he would see the Roman Catholic prisoners, and have any religious communication with them that he pleased; but he must not enter into familiar conversation with them as to things outside the prison, nor introduce things when he comes into the prison; he must, in fact, conform to prison rules, just the same as the Protestant chaplain does.

1794. Can you tell me what regulations were made by the visiting justices, in pursuance of that recommendation of the court?—As far as my recollection goes, I do not think that there were any regulations made beyond the ordinary rules and regulations appertaining entirely to the regulation and discipline of the prison.

1795. You spoke of an opinion in consequence of which you allowed the priest to see more than one prisoner at a time; was that the opinion of Sir John Karslake, Sir Roundell Palmer, and Mr. Poland?—It was the last opinion that was taken.

1796. The date of it is the 10th June 1867; it is as follows: "1. We are of opinion that the visiting justices of the House of Correction have power to allow of the assemblage of a number of Roman Catholic prisoners for religious instruction at the visits of the Roman Catholic minister attending, pursuant to the 47th Regulation of Schedule 1 of the Prison Act, 1865. 2. We are of opinion that the visiting justices have power, on the occasion of such assemblages of Roman Catholic prisoners in the prison, to allow of the celebration of Divine service according to the rites of the Roman Catholic Church. 3. We are further of opinion that the Prison Act, 1865, does not render it incumbent on the visiting justices to allow of such assemblages of prisoners for the purpose of religious instruction, or for the celebration of Divine service; but we think that, in permitting such assemblages for the purposes mentioned, the visiting justices will be acting not only according to law, but according to the spirit of the Prison Act, care being of course taken to prevent improper communications, and to maintain the discipline of the gaol. To compel the

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Roman Catholic priest to visit each prisoner separately in his cell, would be to defeat the object of the Act in cases like the present, where the number of Roman Catholic prisoners is so large." Is that the opinion you referred to as being the opinion upon which you allowed the priest to see more than one prisoner at a time?—Yes, it was. I always thought it an unnecessary trouble to the Roman Catholic priest to visit each prisoner separately.

1797. Therefore you were in error in saying that a few months after the passing of the Prison Ministers Act you had that opinion?—No; I individually entertained that opinion before the first opinion was taken, but do not recollect the date.

1798. What was that other opinion?—There were two separate opinions.

1799. Can you furnish the Committee with it; I have assumed that this, which I have read, was the opinion upon which you allowed the priest to see more than one prisoner at a time?—Yes, I think that is the opinion upon which the visiting justices acted.

1800. That, as I have stated, was in 1867; then let us see the action of the court; in July 1867, at the next quarter sessions, Mr. Glossop brought forward this motion: "That whereas the visiting justices of the House of Correction at Coldbath Fields have been advised by eminent counsel that they have power, under the Prison Act, 1865, to allow of the celebration of Divine Service according to the rite of the Roman Catholic Church, to assemblages of Roman Catholic prisoners in the prison, the resolution of the court passed on the last county day, 'That with regard to so much of the report of the visiting justices of the House of Correction at Coldbath Fields presented to the court on the last county day, as proposes to allow the celebration of mass by a Roman Catholic priest within the prison, the court is decidedly of opinion that there is no authority for such a proceeding, and that it cannot be allowed,' be rescinded; the same was duly seconded, whereupon Mr. Serjeant Payne moved, by way of amendment, 'That this court having considered the opinions of counsel set out in the report of the visiting justices (though taken without the authority of the court), is still of opinion that the celebration of the mass ought not to be permitted within the county prisons;' and which amendment was duly seconded and put to the vote, and, on a division, was declared by the chairman to be lost; the names of the justices voting were then ordered, in pursuance of the Standing Orders, to be taken down in writing, when it appeared that there were 51 votes for the amendment, and 60 against it." Then follow the division lists. "The orginal motion was then put to the vote, and on a division, carried;" that, I presume, is a correct report of what took place in July 1867?—Yes.

1801. Even after that resolution, as I understand, mass was not celebrated in prisons under your care?—That I am not able to say; if the Roman Catholic service was performed, I apprehend that mass was also performed as a portion of it.

1802. I thought that mass was not begun to be celebrated till 1869?—It was not begun until some time after July 1867.

1803. Notwithstanding this resolution of the court of quarter sessions, the visiting justices still declined to allow the celebration of Divine service according to the Roman Catholic rites in the prison?—I do not think they did.

1804. How did it come about, that two years elapsed after the giving of that opinion before mass was celebrated?—I think that the visiting justices did grant permission soon after that resolution was passed, but the governor is here, and the minute books, and it would be better to refer to them than to trust to my memory; but I should be suprised to hear it, knowing as I do, that the mass forms a part of the Roman Catholic service, and therefore when once permission was given to perform the service, I thought that that would be included as a matter of course, as well as any other part of the service.

1805. I thought there was no permission granted for service until some time after this resolution was agreed to?—Some time did elapse.

1806. But you do not remember how long?—I do not, but I apprehend it would arise partly from the necessity of a suitable place being appropriated for it, and fitted up.

1807. Do you remember the discussion upon that occasion in July 1867?—Yes, perfectly; I remember the discussion, but I could not say on what dates they took place.

1808. At those meetings of the magistrates to which I have drawn your attention, to put it in popular language, there is a very severe whip, is there not?—I do not know by whom; but I believe that there has been on one or two occasions, a good deal of communication with reference to the coming meeting.

1809. There is a much larger attendance of magistrates on the occasion when these class of resolutions are put than commonly?—Certainly, on all occasions of this kind.

1810. At this last division there were 51 for the amendment and 60 against it?—No, at the last division I think the majority was more than that.

1811. In October 1868, I find Mr. Laurie moving, "That in consideration of the large number of Roman Catholic prisoners usually confined in the Middlesex House of Correction and Westminster Bridewell whose religious instruction, according to their own persuasion, is dependent at present on the gratuitous and voluntary services of Roman Catholic ministers, it be referred to the respective committees of visiting justices of those prisons to consider and report their opinions as to the amount and mode of appropriation of a reasonable remuneration to be paid, under the provision of the Prison Ministers Act, 1863, to Roman Catholic ministers officiating in those prisons;" which motion having been seconded, and put to the vote, was on a division lost; in that case there were 30 for the motion and 44 against it. Then in January 1869, I find Mr. Bagshaw moving almost in the same terms, "That the number of prisoners confined in the three prisons for the county of Middlesex, at Westminster, Coldbath Fields, and the House of Detention respectively, who belong to the Roman Catholic Church or religious persuasion is so great, as in the opinion of the justices of the said county to require the ministration of ministers of their own church or persuasion, which differs from the Church of England;" that motion was seconded by Sir William Bodkin, whereupon Mr. Serjeant Payne moved, by way of amendment, "That it is unnecessary and inexpedient for the magistrates to consider whether the num-

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bers of Roman Catholic prisoners is so great as o require the ministration of ministers of their wn church, inasmuch as they are now visited nd instructed by such ministers, who have been ppointed by their own community, and conse- uently have no lack of Roman Catholic teach- ng, and that the magistrates in session not hav- ng appointed such ministers, would not be jus- ified in charging their maintenance upon the atepayers of the county." That amendment as seconded and put to the vote, and on a divi- on carried, 64 voted for the amendment, and 2 voted against it?—Yes, that was the last dis- ussion upon the question.

1812. I think that 50 is the outside number hat have ever voted in favour of any Roman atholic concession?—I do not know whether here would be so many as that.

1813. Are there not about 500 magistrates in Middlesex?—No; there about 360 to 380, but ot more than one-third of them ever attend the essions; many of them are official persons, and on.

1814. But those who are in favour of any tion under the Prison Ministers Act are, I may ke it in a continual and hopeless minority?—I ink so at present.

1815. Were you cognisant of an order having en given to take the Roman Catholic prisoners mass without any warders attending?—No, I is not.

1816. Mr. *Synan.*] You acted upon the opinion 1865, did you not?—We did.

1817. In the House of Correction at West- nster you did not act upon that opinion until ster Monday 1867; that was the first day that atholic Divine service is proved in the evidence have been held?—I cannot recollect the dates; may be as you state.

1818. At the House of Detention, Clerken- ll, upon the evidence of Father Crescitelli, it stated that the authorities did not act upon that inion until September 1869?—I think not; it s not asked for.

1819. You spoke of another opinion previous the opinion of Sir Roundell Palmer in 1865; u you supply the Committee with that opinion? I have not it with me, but it is printed in our cuments, I think, and laid before the court.

1820. In reply to my honourable friend next with respect to your regulations laid down Roman Catholic prisoners, you used the ex- ssion, "should not introduce conversations;" at did you mean by the word "conversa- ns"?—I mean by that, that the priest should enter in familiar conversation with a prisoner o how the prison is conducted, or as to where relatives are, or receive from him, or make to n, any communication which had not reference religious instruction.

1821. There would be nobody present, I ap- hend, at the interview between the Roman tholic priest and the Roman Catholic prisoner? should think not; but from circumstances ch came from the priest himself at Westmin- r, it appeared to me that it was almost impos- e that these circumstances could be known to without familiar conversation with the pri- ers; for instance, there was the complaint of women that they did not go into the laundry, other circumstances, which had nothing what- to do with religious instruction.

1822. Suppose the chaplain, as has been proved us in evidence, found, from communication with his Roman Catholic prisoners, that the privilege of going into the laundry was withdrawn, for the purpose of influencing their creed, would not it come within his duty as a Catholic chaplain to listen to the prisoners upon the subject?—If the prisoner volunteered and told him of it, then it might be; but still I think it was the duty of the Roman Catholic priest not to be talking about such a subject with the prisoners, but to communicate it immediately to the magistrates.

1823. Was there anything wrong in the Catholic priest, having found out from the prisoners that these inducements were held out for the purpose of influencing their creed, communicating the circumstance to the visiting justices?—I think there was, because he did not communicate it at the time, but some weeks after the communication had been made to him.

1824. Your only objection is, that he did not communicate it soon enough?—It is a decided objection; I should object to the Protestant chaplain, if he happened to have a knowledge of anything which was considered harsh treatment of a prisoner, if he did not at once communicate it to the visiting justices, in order that it might be investigated.

1825. The objection was, that the Roman Catholic chaplain violated his duty as chaplain, in not communicating the circumstance soon enough, and therefore you laid down this rule with reference to his conservations; is that so?—They objected to the conversation itself, and they objected also to his not at once communicating with the visiting magistrates upon the subject instead of making a variety of observations, and entering into the correspondence in the "Pall Mall Gazette," which was alluded to upon a former occasion.

1826. I am not talking about the correspondence in the "Pall Mall Gazette," because the communication was made to the justices; that was the proper way, was not it?—It should have been so made.

1827. And it was so, was not it?—Yes, but not for some time afterwards.

1828. But supposing the Catholic chaplain had made it the next day, or the next week, there would have been then no necessity for the rule?—There would have been a necessity for the rule, but there would be no objection to his hearing it, and communicating it to the visiting justices.

1829. Do you not state to the Committee, that the cause of this invidious rule, as regards the Roman Catholic chaplain, that he should hold no improper conversations with the Roman Catholic prisoners as to external things, was the fact of his having held certain conversations with those prisoners?—That cannot be considered an invidious rule, because it applies to the Protestant clergyman just as much as to the Roman Catholic priest.

1830. I have been requested to ask you, whether the application about the laundry, was not made immediately after the conversation; have you a clear recollection upon the subject?—I think it was three or four weeks afterwards.

1831. Now, with respect to the register, is the register conclusive?—I think that the register is quite conclusive; the exception to it would be brought before the visiting justices for them to determine upon; but if the prisoner was taken ill, the governor would act.

1832. The register is taken immediately upon the entrance of the prisoner, is it not?—Yes, it is.

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1833. Suppose we have it in the evidence of a witness that that register was altered the day afterwards, upon the second interview of the chaplain of the prison with the prisoner, be he Roman Catholic or Protestant, without any communication with the justices, would you call that a regular and proper course of procedure?—It would depend much upon circumstances. If the man came in drunk to the prison and said he was a Protestant, and then the next morning when he was sober, said he was a Roman Catholic, I think the governor would alter the entry.

1834. Do you think that the entry should be altered without any reference to the magistrates, upon an interview with the Protestant chaplain of the prison?—I think it should not be altered upon an interview with the Protestant chaplain, and I do not believe it would. I think such a case would be brought before the governor, and he might, under the circumstances, alter it; but if it did not arise in the way which I have stated, then it would be a special case to be brought before the visiting justices.

1835. Supposing a prisoner entered in a state of intoxication, do you think that upon the first interview with the Protestant chaplain, the Protestant chaplain and the clerk would make such an entry of creed from the statement of a drunken man?—The chaplain is not present when the entry is made; the entry is made by the officer at the lodge, and in the morning, as I said before, it used to be the custom for the Protestant clergyman to see all the prisoners without asking them any questions of a religious nature; but at the House of Correction at Coldbath Fields, for the last six months the clergyman has not seen any of those who have put their names down as Roman Catholics.

1836. Even on their entrance?—Even on their entrance.

1837. That remark applies only to Coldbath Fields?—Yes; I have not inquired with reference to the other prisons.

1838. We have it in evidence from the matron of the House of Correction at Westminster that the Protestant chaplain sees all the prisoners immediately on their entrance; she is asked, at Question 1000, "You say that the Protestant chaplain asks the prisoners, when they first came into the prison, what is their creed?" and the answer is, "Yes;" and the answer to Question 1002 is: "They are asked that question when they enter, and their reply is entered against them; then, when they go to the chapel the next morning, he again speaks to them and asks them that question." If that does not mean that the question is repeated twice, I do not understand the English language?—That answer would imply that they all went to chapel in the morning; it is not correct that all the prisoners go to the chapel, and are then seen by the chaplain.

1839. With respect to the status of the Roman Catholic chaplain, you have no objection that he should have everything except what you call the status of an officer; do I understand that to be your evidence?—It is.

1840. He is to have a salary?—Yes.

1841. And he is to obey the rules?—Yes.

1842. He is to be dismissed for disobedience to the rules?—Certainly.

1843. Then what remains; what is it you refuse him?—I refuse him to be acknowledged as an officer of the State, which I consider the clergyman appointed as a chaplain to a prison to be.

1844. You do not refuse to allow him to be an officer of the prison; you only object to his being an officer of the State?—He should be permitted to visit the prison and see the prisoners, and bound to obey the rules; that is all I would concede to him.

1845. Will you tell the Committee what you would refuse?—I would refuse that he should be an appointed and accredited officer of a public establishment.

1846. Do you not appoint him?—We permit him; we cannot be said to appoint the Roman Catholic priest, inasmuch as only that gentleman can perform the duties, who is permitted to do so by another person who has no connection whatever with the magistracy.

1847. Then I understand your objection to be that you have no power of selection?—That is one objection.

1848. What is the other?—What I have stated, namely, that I object to giving him the status of a public and paid officer.

1849. But supposing you had the power of selection, would that objection be obviated?—Then I would not appoint him as a public officer.

1850. Supposing you had arranged that a salary should be given, and that an advertisement was published, and that six gentlemen were placed before you, from whom to select, would you then retain your objection?—I should object to making him a public officer.

1851. Supposing 50 came, from whom you could select, would you object still?—I should object, under any circumstances, to a Roman Catholic priest being appointed a public officer.

1852. You were yourself in favour of a salary were you not?—I am in favour of the Roman Catholic priest being paid for his services.

1853. That is a salary?—You may put it as a salary, I should not quarrel with the term; you may take it as a salary.

1854. Supposing a person did not give any services, would you pay him; you appear to make a difference between salary and payment for services?—No, certainly I should not pay a man for doing nothing.

1855. What difference is there between paying a man for his services and giving him a salary?—There is a great difference between paying him for his services and paying him a salary as an accredited officer of the State, of a different religion from that which is the established religion of the country.

1856. Your objection is, that you do not wish to recognise him as a member of the Established Church of the country?—Certainly not.

1857. He does not require that?—If he did I should not concede it to him.

1858. There was a copy of a letter put into the hands of Mr. Glossop, the chairman of the committee of the Coldbath Fields Prison, and he had some doubts as to whether that copy was the real answer to the application made for giving catechetical instruction upon Sunday evenings; would you look at that letter (*handing in a letter to the Witness*), and say whether that is the official signature of the clerk?—It is.

1859. Will you read it?—"Middlesex House of Detention, Clerkenwell, 15th October, 186[illegible]. Reverend Sir,—I am directed by the visiting justices of this prison to inform you, in reply to your letters to those of the 8th instant, that they regret that they cannot comply with your reque[illegible]

to be supplied with an altar, but that they will provide a chest for your use, in which an altar and vestments may be kept. In reference to your remark that a prisoner having once entered his or her name as a Roman Catholic should be left unmolested, and not invited to attend the Protestant services, I am directed to inform you that when a prisoner on admission has stated his or her religious persuasion to be Roman Catholic, such prisoner is never called to the chapel services.—I am, Rev. Sir, your obedient servant, *J. S. Skaife*, Clerk. The Rev. Dominic Crescitelli, S. Peter's Italian Church, Hatton Garden, E.C."

1860. Mr. *Hutton.*] With reference to the familiar conversation about the laundry, I suppose you objected to it on the ground that it was liable to interfere with the discipline of the prison?—Unquestionably.

1861. I think the matron said that at the Westminster prison to prevent these familiar conversations a warder was always present when the Church of England chaplain visited the prisoners?—Certainly.

1862. This is not the case with a Roman Catholic priest, I believe?—It is under very different circumstances. If a Roman Catholic prisoner wished to confess, of course the warder would not be within hearing.

1863. But I understand that there never was a warder present when the Roman Catholic priest was seeing a prisoner, except outside the door, in which there was a glass pannel?—That is all.

1864. Therefore, there is not the same means taken to prevent improper communications between Catholic prisoners and their clergyman, as there is between Protestant prisoners and their clergyman?—The direction to the warders is, not to be sufficiently near to hear, or attend to, what the prisoner is saying to the Roman Catholic priest.

1865. I suppose the reason for that is, not because you trust the Roman Catholic priest more than the Church of England minister?—No, not more, but we would trust him equally.

1866. Mr. *Matthews.*] But that is only when confession is going on, as I understand?—Certainly; in the chapel the warders are present.

1867. Mr. *Hutton.*] But in the cell, as I understood the matron, there is never a warder present when the Roman Catholic priest is with the prisoner?—That would be so.

1868. Before appointing the Protestant chaplain, you select the individual most calculated for the service?—We endeavour to do so.

1869. But it is not so with the Roman Catholic minister?—We have no opportunity of doing so.

1870. You have also said, that you must have a man conversant with the habits of the poor, and one who knows their circumstances?—I think that is one of the essentials; and with all respect to the gentleman who now attends the House of Detention, he is a foreigner, and I really do not see how a foreigner can enter into all the circumstances and wants of the poorest and lowest part of an English or Irish population.

1871. Still you think that the gentlemen, who at present attend, have done their work satisfactorily upon the whole?—As far as we know, they have done so.

1872. Those two gentlemen are foreigners, and you think it is impossible for them to be conversant with the habits of the English poor?—I speak more immediately with reference to the priest who is at the House of Detention; the gentleman who is at the House of Correction at Coldbath Fields, has been sufficiently long in England, to be thoroughly conversant with the habits and wants of the people.

1873. Mr. *Dimsdale.*] On how many different occasions did you take counsel's opinion with reference to the priest visiting more than one prisoner at a time?—Twice.

1874. What was the date of the first?—I cannot charge my memory with the dates.

1875. Was it the 9th of February 1866?—It may be, but the governor of the House of Correction, or Mr. Skaife, the clerk, will be able to answer that.

1876. What was the general tenor of that opinion?—The first opinion was that we could not allow more than one prisoner to be seen at a time, and the second opinion was to the contrary effect.

1877. What was the date of the second opinion?—That I cannot say; I think it was in 1867, but I am not quite sure.

1878. In consequence of the two opinions conflicting, the decision of the magistrates was changed?—It was.

1879. Do you remember when mass was first celebrated in Coldbath Fields?—I do not remember the date; perhaps I might state that some delay may have taken place in consequence of the confusion in which the prison at that period was; we were half rebuilding the prison, and had not a large room to spare.

1880. The date of the first opinion is the 9th of February 1866, given by Sir Fitzroy Kelly and Sir James Hannen?—Yes.

1881. The date of the first service is the 22nd of September 1867, as I understand?—So I am informed.

1882. In consequence of the change at Coldbath Fields prison, did you communicate with the authorities at Westminster?—I did.

1883. And the result of it was that they decided upon the adoption of a similar course at Westminster?—I had a letter from the Home Office, asking the reason why the practice was different at Westminster from what it was at the House of Correction, which letter I brought before the visiting justices at Westminster, and they passed a resolution, which was as follows: "House of Correction, Westminster. Extract from the Minutes of the proceedings of the visiting justices on the 28th of December 1867. The subject of religious instruction to Roman Catholics in prisons, having lately been mooted in Parliament, and discussed in the court of quarter sessions, it has been deemed advisable by the visiting justices of this prison to take the decision of their previous resolutions on this important subject into reconsideration; and having carefully weighed the reasons by which they were formerly influenced, they now feel that they cannot be insensible to the significance of the assertion made in Parliament by the Secretary of State for the Home Department, that their proceedings in this matter 'are contrary to the intentions of the Legislature,' nor to the general tone of public opinion freely expressed, nor to the fact that the majority of the magistrates of the county are opposed to their views. They, therefore, deem it expedient on the grounds above stated:—1st. To rescind the resolutions of the 10th of February, the 3rd of November, and the 15th of November 1866; and, secondly, to resolve

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resolve that the regulations now in force at the Coldbath Fields prison, relative to the religious instruction of the Roman Catholic prisoners, be adopted in this house of correction." Upon that resolution, the visiting justices, I think, took measures to provide religious instruction for the Roman Catholic prisoners.

1884. Then in refusing permission to the Roman Catholic priest to visit more than one prisoner at a time in 1866, and giving that permission in 1868, the Westminster justices acted in each case in accordance with the legal opinions they took?—Certainly.

1885. Do you know the chapel which has been fitted up at Westminster for the Roman Catholic priest?—Yes, I do.

1886. Do you know whether there have been any complaints by either of the gentlemen who have officiated as Roman Catholic priests, with reference to its being too small?—No, not to my knowledge; and if there were, I think that in a room of the dimensions a small gallery might be erected at the further end of it, and other means taken to increase the accommodation to a great deal more than the number of prisoners in the gaol would require at present.

1887. You are under the impression that the visiting justices would not have objected to place a gallery in the chapel, if it should be required?—No; I think if there had been a representation made to them that there was not sufficient space, they would not have objected to afford more accommodation to the prisoners.

1888. Their object was not to contract the room for the prisoners, but to afford them a reasonable space?—Certainly; the room has been fitted up with all the comforts and appliances which would be necessary for a Protestant place of worship; we have certainly not provided many things that are considered necessary in a Roman Catholic chapel.

1889. I will only ask you one question with regard to the familiar conversation between the Roman Catholic priest and the prisoner; you would have taken equal precautions, I presume, if familiar conversations had taken place with the chaplain of the Established Church, and have dealt equally with either of the chaplains?—Yes; a violation of the prison rules would have been visited alike upon both.

1890. You stated on the last day of your examination, that you had no objection to the payment of the priest, but that you objected to his recognition as an officer of the prison?—Yes.

1891. And to-day you have stated that you would be willing to make that payment to him in the proportion of so much per head?—Certainly.

1892. Whatever the number was?—Yes.

1893. Supposing there were only 8, or 10, or 15, as is the case in some of our prisons, how would you deal with him in that case?—I think it would be an unreasonable demand upon the ratepayers to have a gentleman appointed with a salary sufficient to maintain his position, in a prison such as for instance the House of Detention, where the numbers are so fluctuating, and where very few remain more than 10 days, as our sessions are every fortnight; I must say, I think it would be very unreasonable to have a permanent appointment at a considerable salary for such a place as that.

1894. Would you pay the Roman Catholic chaplain in the proportion of so much per head, or would you fix a minimum number below which you would not appoint a priest?—I would pay him per head, be the numbers small or great.

1895. Would you concede the same to any minister belonging to one of the numerous bodies of Dissenters?—If it was required, I think I should.

1896. In fact you would pay them all?—I would, but I would rather pay a Protestant Dissenter than I would pay a Roman Catholic priest.

1897. But, of course, upon the principle of toleration, they ought to be both placed upon the same footing?—I should not object to his being paid as I have suggested.

1898. Lord *Enfield.*] How many Roman Catholic magistrates are there in Middlesex?—I cannot say accurately; four or five I believe.

1899. I think there are four; Lord Arundel, of Wardour, Mr. Serjeant Bellasis, Mr. Swift, and Mr. Bagshawe?—Lord Petre is also one.

1900. Have either of those gentlemen served upon either of your three committees?—No, I do not think so.

1901. Have they ever been proposed?—No, nor do I think they have expressed a desire to be.

1902. Do you think that if another motion were to be made this year for the payment of Roman Catholic priests, it would be likely that the court would come to an agreement to pay them, according to their services, a fair remuneration?—I should not be surprised if the court agreed to it, but I could not say whether they would or not. Of course, I do not know the opinion of the 100 gentlemen who would come to the court upon such an occasion.

1903. Do you think that, in all probability, if the motion was renewed for the payment of these gentlemen, that motion would be rejected?—I think there would be a better chance of its being carried if it was simply a naked motion for the payment of these gentlemen for the duties they performed.

1904. I think all the motions have been to the end that the services of the Roman Catholic priest should be paid; there was no mention of a chaplain being appointed, was there?—It was always understood by the magistrates, when they were discussing it, that they were discussing the question of the appointment of a chaplain.

1905. The word "chaplain" was not used, but the word "minister"?—No, but the word "chaplain" was such a general phrase with us that it was understood to refer to his appointment.

1906. But the word "minister" would obviate your objection to the appointment of a chaplain, as he would not be a State officer receiving a salary for State services?—It would not remove my objection to the appointment of a Roman Catholic minister, whether they called him a chaplain or a minister. My objection is to a Roman Catholic being appointed as a public officer under any name.

1907. But I think you take particular exception to the word "chaplain;" you do not object to his being paid as a minister of the Roman Catholic persuasion, but as chaplain and a State officer of the prison?—I use that term, because that is the cognomen under which the ecclesiastical officer of the prison is appointed.

1908. Lord *Henley.*] You have been a long time chairman of the quarter sessions of Middlesex, have you not?—I have.

1909. Have

1909. Have you had much experience of the quarter sessions of other counties?—None at all.

1910. As far as your experience of quarter sessions goes, you have generally found a strong political bias in them, have you not?—Not in Middlesex; I would venture to say that there is no political bias there, and if I were asked what was the the political opinion of the majority of the Bench, I should be unable to give it.

1911. You do not think that there is a strong bias in the Middlesex quarter sessions in favour of Conservative politics and the Established Church?—I do not know of a strong political bias, but there is in favour of the Established Church.

1912. And you have not seen much bias in other quarter sessions?—I have had no experience in other quarter sessions.

1913. There appears to be that bias, however, in the Middlesex quarter sessions?—There is no bias that I have witnessed in the Middlesex quarter sessions of a political character.

1914. Are you of opinion that Parliament in leaving the appointment of ministers of various denominations to the judgment of the quarter sessions acted quite rightly; you would think that the quarter sessions was the proper body to appoint ministers, would you not?—No, I think Parliament ought to have done its own duty, which is to declare positively what magistrates ought to do.

1915. Why do you think so?—Because it is not, I think, for those who administer the law to fix taxes upon others who are obliged to pay them. If Parliament thought Roman Catholic priests should be paid, the option should not have been left with the magistrates.

1916. Then you would consider that the magistrates were not in this case the proper body to determine the question with reference to the choice of chaplains, and the payment of them; you think that that should not be left to the quarter sessions?—No; if Parliament thinks it a public duty that ought to be performed, Parliament ought to direct what should be done.

1917. The quarter sessions would be spending the money of the ratepayers without any representations from those ratepayers; would not that be so?—No, I think not. As I said the other day, the magistrates are all of them very large ratepayers; the only difference is that they are appointed by the Crown, subject to all the laws and regulations to which the magistrates are subject who are appointed by the votes of the inhabitants.

1918. But the county magistrates are not appointed in any way by the votes of the inhabitants?—No; they are appointed by the Crown.

1919. Would you be surprised if you heard that, in many quarter sessions of the non-metropolitan counties, there was a very strong political bias?—I should not; because so much depends upon the locality, and the circumstances by which the magistrates are surrounded.

1920. If there was that bias, you would expect it to be in favour of the Conservative institutions of the country, would you not?—Yes.

1921. Therefore, you think that the quarter sessions would not be a fair body to decide the matter?—I think that it is the duty of Parliament to decide it; it is not a question for the quarter sessions.

1922. Mr. *Dalrymple.*] I understand you to say that if the man declared himself a Protestant, but afterwards, in the infirmary, declared himself a Roman Catholic, he could have the ministrations of a Roman Catholic priest?—Yes.

1923. But that, in ordinary circumstances, he must be considered to remain of the faith which he had represented himself to belong to at the outset?—That is so.

1924. I should like to put to you the question which was put to the previous witness; do you not think that, if doubts were entertained with reference to the religion of a prisoner, it would be better that those doubts should be cleared up by inquiries conducted by some other person than the minister of those religions?—I think the objection would apply to anybody who made the inquiry. The Roman Catholic priest would be no more satisfied with the inquiry of the governor than the governor would be satisfied with the inquiry of the Roman Catholic priest with reference to a Protestant; and, in our prison, where we have upwards of 2,000 prisoners, and 10,000 passing through the prison in the course of the year, you may imagine how difficult it would be if the prisoners were allowed to vary their religious declaration.

1925. With regard to what the noble Lord was asking you just now, you are not averse to paying the Roman Catholic priest for his ministrations?—No.

1926. But you recognise a difference between doing that and recognising him as an accredited officer of the prison?—Yes, certainly.

1927. Mr. *Guest.*] You stated that familiar conversation was not allowed between the chaplain and the prisoners; are there any rules laid down with reference to what should take place, or rather what should not take place between the chaplain and the prisoners?—I think not.

1928. Are the instructions given by word of mouth?—It would be by word of mouth; I think they are instructed to confine their intercourse as much as possible to religious instruction.

1929. Mr. *Knatchbull-Hugessen.*] You stated to the Committee that you would sooner pay a Protestant Dissenting minister than a Roman Catholic priest; do you mean the Committee to infer from that that the spiritual destitution of the Protestant Dissenters in your prison is so much greater than that of the Roman Catholics, that they would require more religious ministration?—No; my observation would merely convey the idea that my personal feelings were with the Protestant Dissenter, and not with the Roman Catholic priest.

1930. You did not mean the Committee either to infer what I have stated, or that the voluntary ministration is so much more abundant among the Catholics, that that voluntary instruction would be more readily supplied by Roman Catholic ministers than by Protestant Dissenters?—No; I think great benefit has arisen to all prisons from that instruction. I cannot imagine any reformation to take place unless it is preceded by religious instruction. If I might be allowed to say one word about Roman Catholic ladies being allowed to visit the prisoners, I would say that I differ entirely from the opinion that ladies ought not to be allowed to visit female prisoners. I remember perfectly well visiting Newgate with Mrs. Fry, and I saw the benefit that was derived from her instruction; moreover, I have, if I might be permitted to read it, a report from one of the ladies

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ladies who at present visits the prisoners at Westminster, giving an account of upwards of 100 prisoners, whom she has visited, and what has been the result of her visits, and I must add that I can only regret that the application has not been repeated, for a Roman Catholic lady or ladies to visit the Roman Catholic prisoners. I think the greatest benefit would arise from it. The lady I refer to states that, "During nine years, from 1861 to the end of 1869, 230 prisoners have been visited in their cells; of these eight are married, 26 are known to be satisfactory, 39 were last heard of in refuges or schools, and were also doing well, 103 have not been heard of at all since leaving prison; but as a great part of these returned at once to friends or home, there is reason to hope they have not returned to crime; 15 are still in homes, 12 are unsatisfactory, 22 have returned to prison, but only two for more than once, and three of those are now married and going on well, and 14 are still in prison, and one in Hanwell. I believe the falling into crime in most instances to have arisen from the want of proper homes, good parents, and education; many girls of 17 and 18, could neither read nor write; two had never even heard of Jesus Christ before going to prison, 60 had one parent only, 43 were orphans or friendless, 44 were foreigners, chiefly Germans, from Whitechapel or the City-road, 35 were almost totally ignorant, 151 were under 20 years old, six under 12. Of those who returned to prison, 10 gave little hope from the first, two being amongst the most refractory prisoners, nine refused to go to a refuge or home, and returned immediately to bad companions from prison." It is now a question of whether the prison regulations since the last Prison Act was passed, are to be entirely deterrent, or whether they are to be partly deterrent and partly reformatory; if they are to be partly reformatory, then I think it is essential that ladies should be permitted to visit the female prisoners, if not solely deterrent; then, of course, comes the silent system with all its monotony, and with all its concomitants, and prisoners, I think, would go out more hardened than when they entered the prison; if application for the visits of a Roman Catholic lady had been repeated when I was upon the committee, I certainly should have supported the application that Roman Catholic ladies be admitted to visit the Roman Catholic female prisoners.

1931. Recognising the advantage of religious instruction, and being, I am sure, above prejudices of creed, do you not think that Roman Catholic prisoners would best receive religious instruction from those whom they have always been taught to look up to as their spiritual instructors?—Unquestionably.

1932. Do you think that those spiritual instructors could work with equal advantage to the prisoners, if they worked upon a footing of disadvantage as compared with other clergymen?—Unless I understood what those disadvantages were, I could not exactly say.

1933. Do you think it is a disadvantage for a man to be unpaid, as compared with a man who is paid 400 *l.* a year?—Yes; certainly.

1934. Is not that the disadvantage under which the Roman Catholic minister at present labours?—I would not do them the injustice to suppose so; I take a more elevated view of the ministerial character; to the individual it is a disadvantage when not paid, but not in his ministrations.

1935. You think that the Roman Catholic priests are so exempt from the ordinary feelings of human nature, that although they were not paid while the Protestant ministers were paid, they would think that a disadvantage?—No; I do not thiuk that they would be above the ordinary feelings of human nature, but I believe that even if no payment were made to the Protestant minister, you would find that hundreds of volunteers would come forward to give instruction to the prisoners.

1936. Do you think that voluntary instruction is as beneficial and as likely to be regularly supplied as paid instruction?—I could not say that it would be as regularly supplied, but I believe it would be quite as efficacious.

1937. Even if the Roman Catholic clergymen did not feel their non-payment to be a disadvantage, do you not think that the effect of their ministrations upon the prisoners might be weakened by the feeling that they were placed upon a different level from the chaplain?—Speaking from my view of the ordinary acceptation of human nature, I think it would rather enhance the value of those services. If a person does me a kindness without expecting to receive any reward, I appreciate that kindness more than I should if he was paid for doing it.

1938. You do not consult the bishop of the diocese when you appoint a Protestant chaplain?—Certainly not.

1939. And you do not consult the Roman Catholic bishop or archbishop when you permit the Roman Catholic chaplain to visit you prison?—No.

1940. Is not the ecclesiastical superior likely to appoint the man who is most fit for that duty?—I do not know that positively, but I believe that no Roman Catholic priest would offer his services without the permission of his ecclesiastical superior.

1941. Is not the fact that half-a-dozen or more Protestant clergymen might offer themselves as candidates for the vacancy, and that only one Roman Catholic clergyman would be likely to offer himself as a candidate for the Roman Catholic vacancy, a fact which really only bears upon the difference of discipline in the two churches, that is to say, the Roman Catholic bishop exercises a different supervision over his priests from what the bishop of the Church of England exercises over the clergymen in his diocese?—I think the magistrates would be very unwilling to appoint a Protestant clergyman under such circumstances; and they equally would object to interfere at all with reference to the appointment of a Roman Catholic chaplain. My own impression is, if I may express it, that as I do not, so I would rather know nothing about the Roman Catholic priest.

1942. You would wish to ignore his existence as far as appointment is concerned?—Yes; as I do not wish to have the selection, as I can be no judge of his qualification.

1943. But how can you be a judge of the Protestant minister's qualifications if you have not known him before?—I think I can, in this way: if I heard that one of our chaplains was in the habit of going out hunting two or three days a week from the prison, I should very soon object to his keeping the office.

1944. But should you not object equally

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you heard that the Roman Catholic clergyman was in the habit of doing the same thing?—All we should do, I apprehend, would be, that if we found the Roman Catholic priest absent two or three days in the week, and performing no duty, we should immediately withdraw our permission from him, and request another to be sent in his place.

1945. Taking your own illustration of hunting, do you think that a Catholic bishop would be likely to sanction the application of any clergyman who hunted three days a week?—No; nor do I think the Protestant bishop would; I only gave it as the first impression that came to my mind; as a matter of fact, we have most exemplary chaplains in our prisons, who produced reliable evidence of their fitness for the office.

1946. If any minister is admitted to visit the prison, do you not think it better that he should do so as an officer of the prison, officially recognised, than as some one beyond the control of the prison authorities?—No, I do not; so long as we have an established religion in the country, I think the public officers ought to be in unison with that religion.

1947. And those are the views which have been repeatedly taken by the Middlesex magistrates?—I think they are.

1948. There is one more question which I wish to ask you; do you think that, unless Parliament interfered, there is any chance of the contrary view being taken in Middlesex, and clergymen of different persuasions put upon a different footing in the Middlesex prisons from that which now exists?—I do not think there is.

1949. *Chairman.*] Upon that point what do you suggest as a remedy?—That Parliament should decide that Roman Catholic priests should be remunerated for their services.

1950. That Parliament should bring in a Compulsory Bill?—Certainly; for payment of services, if they think he should be paid.

1951. Leaving no discretion with the magistrates?—No discretion with reference to the appointment, but let them fix the rate of remuneration.

1952. What you ask is that Parliament should bring in a Bill to say that you shall and must appoint a visiting priest, and that you must pay him?—And that you must pay him according to the requirements of the prison; yes, but not give him an official appointment, but pay him for his services.

1953. Would not that capitation principal act rather unfairly where there was a moderate number, say, 50 or 60 prisoners, who might require considerable attendance on the part of the clergyman, while the remuneration arising from them would be totally insufficient?—I do not think that for 60 prisoners the whole of the services of either clergyman or a Roman Catholic priest necessary; I can easily imagine that prisoners (and we all know their character) would rather prefer to spend their time with the clergyman or the priest, than they would either in picking oakum in their cells or working at the treadmill.

1954. I will put the case in this way: suppose there were 60 Catholics in the prison, and that the Roman Catholic clergyman had to give divine service in the morning and evening on Sunday, and to give two hours or an hour and a half for six days in the week, do you consider that 30 *l.* a year would be a sufficient remuneration for that service?—No, not for such services; but I think that in many cases a sum very much less than 100 *l.* a year would be adequate.

1955. But if you adhere strictly to that capitation proposal, you might equally do injustice on the side of liberality?—Yes; and therefore I would in some measure leave the amount to the discretion of the visiting justices with reference to the services which might be deemed necessary for the prison.

1956. There is one other point which I wish to ask you about; you stated in the early part of your evidence to-day, something to the effect that you did not know or require anything, and could give the Committee no information with reference to the mode of instruction or the ministrations of the Catholic clergyman; and in another part of your evidence you stated something to this effect, "they discharged their duty well as far as we could tell;" now I ask should not the visiting justices make it their duty to inquire whether this instruction is such instruction as they would approve of, or whether it is injurious?—I think I had better not answer that question, because it would lead to observations that would not be agreeable, I fear.

1957. Ought not the visiting justices at least to inquire into the manner in which the clergyman discharges his duty?—I do not see how a Protestant can be a judge of how the duty is performed by the Roman Catholic priests.

1958. Now, with reference to the complaint about the chapel at Westminster; that complaint, I believe, was entirely in reference to the space, as the chapel did not admit of more than 160 or 170 attending at one time?—The space is ample at Westminster at present for the number of prisoners that we have, and if more is required I am inclined to think that the chapel could be enlarged.

1959. The nature of the complaint was, that when 220 Roman Catholic prisoners were in the gaol, not more than 170 would attend at one time; it did not go beyond that, I believe?—I do not recollect the present accommodation being complained of by the Roman Catholic priest as insufficient.

1960. But if there was any complaint, it was limited entirely to the space; was not that so?—No; at Westminster the complaint has always been that we do not find the vestments and other things.

1961. But I am now speaking with reference to the chapel itself, and not with regard to the sacred vestments?—I do not recollect a complaint that the space was not equal to the wants of the prisoners. When we talk of the number of Roman Catholic prisoners, we must always recollect that there are several under punishment; several are obliged to be in the kitchen, and many of them would be ill in the infirmary, so that they could never all of them attend at one time.

1962. But at the same time you say that if there were any reasonable demand made for further space, you think it could be granted?—I think it would.

1963. A noble Lord asked you some questions with regard to the political feeling at the meetings of the quarter sessions; is not the feeling that induced the court to refuse those repeated applications rather of a religious than a political character?—It is entirely of a religious character, according to my opinion.

1964. Mr. *O'Reilly.*] Am I correct in taking this as the fact, that the Prison Ministers Act, being

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being passed in 1863, the first religious service for Roman Catholics celebrated in one of the prisons under the Middlesex magistrates was on the 22nd of September 1867, in Coldbath Fields prison; that the first religious service in Westminster was subsequent to the 28th of December 1867, which was the date of the resolution appointing it, and that the first religious services for Roman Catholic prisoners in Clerkenwell prison was in September 1869?—I believe those dates are correct; nothing is said in the Act with reference to the visiting justices allowing a Roman Catholic chapel in the prison.

1965. Mr. *Synan.*] You spoke, I suppose, as a Protestant layman, when you said that you were a better judge of the Protestant chaplains' qualifications than of the Roman Catholic ministers'?—Yes.

1966. Have you got Catholic laymen in your body as justices?—Yes, we have.

1967. Are they not good judges, and better judges of the qualifications of the Catholic minister than of the Protestant chaplain?—Yes; but their judgment would not influence mine.

1968. You are in favour of payment for service, but not of salary, are you not?—Yes.

1969. Are you in favour of payment for the essentials to Catholic service?—Certainly not. I would pay for everything in the Catholic chapel that we consider necessary in the Protestant chapel, but the other things I think the Roman Catholics ought to find for themselves, as I consider that it would be repugnant to Protestant feelings to buy some of those things which the Catholics think essential.

1970. Would it be repugnant to Protestant feelings to pay for wine?—No.

1971. Do you pay for wine for the Catholic chaplain?—No.

1972. Has it ever been applied for?—I am not aware that it has been, it would not be required for Roman Catholic prisoners.

1973. Suppose it was stated to this Committee that it had been applied for and refused, what would be your opinion?—My opinion would be that it ought not to be refused if required.

1974. Mr. *Knatchbull-Hugessen.*] Do you think it would be repugnant to the feelings of Catholic ratepayers to pay for the essentials of Protestant worship?—I cannot answer for the Catholic feeling, but I suppose that it would.

1975-6. Does the Catholic chaplain require a Testament?—I have no doubt he does, but he has never asked for it, and if the visiting justices comply with what is asked for, I think they should not be blamed for not complying with what is not asked for; they would cheerfully give him a Testament or Bible.

1977. Supposing it were asked for and refused, would that refusal be wrong?—Certainly I think it would, just as if a prisoner had applied for it, and been refused. I should consider that wrong.

1978. Suppose the Roman Catholic clergyman asked for a challice, would his request be granted?—It would depend upon what sort of challice he wanted. I apprehend that we should not object to give a simple cup, such as we have in our church.

1979. Supposing he asked for a challice, and it was positively refused, would that refusal be right?—It would depend upon what sort of a challice he asked for. If the Catholic chaplain asked, as I said, for a mere cup like that which we have in our service, I do not think it would be right to refuse it.

1980. The Protestant chaplain, I believe, uses some vestments, does he not?—He does.

1981. Supposing the Catholic chaplain asked for vestments and was refused, would you think that refusal correct?—It would depend upon what vestments the Catholic priest asked for.

1982. You would say, in point of fact, that if the Catholic chaplain asked for everything essential to Protestant worship it would be supplied?—Yes, if he confined himself to these things.

1983. But if he asked for anything essential for Catholic worship, and differing from what is required for the Protestant service, it would not be given?—I think not.

1984. You stated to the Committee that you would suggest that the Catholic priest's payment should be dependent upon the number of prisoners, and you refer to the Clerkenwell Prison. Could you give the Committee the average number of Roman Catholic prisoners at Clerkenwell?—I think from 320 to 350 would be the average number.

1985. Would not that warrant a payment or salary, which ever you call it?—If there were only six I would pay him.

1986. Now, with respect to the cell, you say that no officer attends to the cell when the priest enters to communicate with the prisoners?—So far as I am aware, he does not.

1987. Supposing you were informed that in ordinary visits, an officer does attend in the cell at the same time with the Catholic chaplain, would you be surprised to hear that?—As regards ordinary visits, I should not be surprised to hear that.

1988. For what kind of visit would you be surprised to hear it?—If the priest wished to talk to the prisoner upon the subject of confession.

1989. If the priest was about to confess the prisoner, then the officer would be obliged to withdraw?—Yes, I think so.

1990. Upon all other occasions the officer is obliged to attend, is he not?—Yes, and if the priest visits the prisoner to know what books he wants, or why he did not come to chapel last Sunday, and in things of that kind, I see no objection to his doing so.

1991. You agree that, except for confessional interviews, all other interviews should be in the presence of an officer of the prison?—I think so.

1992. Does the attendance of the Protestant chaplain under some circumstances require the attendance of an officer of the prison?—I think if he went to a cell, a warder would be there either with the door open or close to it.

1993. You are of opinion that the same rule ought to apply to the Protestant chaplain as to the Catholic minister?—I think it would, when he requires to see the prisoners.

1994. And you say that he does?—I cannot positively say as to the practice, but I think it does.

1995. Mr. *Hutton.*] An honourable Member asked you, whether there was a special copy of rules given to the chaplain of the prison, relating to familiar conversation with the prisoners, and you said there was not; I suppose, as a general rule, none of the officers are allowed to hold familiar conversation with the prisoners?—I think the Scripture readers, and the men that we employ in providing for the prisoners when they leave the prison, must necessarily have familia conversatio

nversation with them to know how they can be st assisted to earn a livelihood.

1996. But as a general rule in the prison, the arders and officers of the prison may not have miliar conversation with the prisoners?—The arders most assuredly may not.

1997. Would not the chaplain come under at general rule as an officer?—Yes, I think , but not equally with the warders.

1998. Mr. *Dimsdale.*] I think there was some isunderstanding with reference to the chapel at Vestminster; did I understand you to say that either the Rev. Mr. White nor the Rev. Mr. ond made any complaint to the visiting justices any deficiency of room in the chapel?—I am t aware of any complaint having been made.

1999. Mr. *Guest.*] I understood you to say at you considered it should be laid down by arliament that the Roman Catholic priest should paid?—If Parliament think that Roman atholic priests ought to be paid, I think it is eir duty to say so, and not ours.

2000. I presume, upon the same score, you ould say that they ought to lay down a rule at a proper chapel should be provided for the rvices of the Roman Catholic chaplain?—I ink if they did that in some cases, they might t have the space in the prison, or the oppor- nity of procuring it; but I see no objection to eir ordering it to be done where practicable. think whatever Parliament thinks necessary, ey should determine, and let the justices know at that is the law which they are to carry out, d not leave it to their option.

2001. I want to ask you again this question; u said you would not object to provide certain sentials necessary for carrying on the Roman atholic service; I presume, you would provide ch things as would be considered fixtures, and t those which would be considered moveables?—No; some are fixtures to which we should rongly object.

2002. *Viscount Enfield.*] Supposing Parlia- ent decided that the Roman Catholic chaplain ould be paid a salary; do you think that that ould be paid by the ratepayers in the respec- ve counties, or out of money specially provided Parliament for that purpose?—I think that had better come out of the pockets of the tepayers, as they pay the other salaries in the ison; I do not see why a difference should be ade.

2003. *Chairman.*] Is it within your own know- dge that the Catholics of the metropolitan strict are, upon the whole, composed of a very mble and poor class?—Certainly, most of our isoners are very poor.

2004. We have it upon the evidence of a ergyman, who has been examined here, that e Catholics of Westminster are very poor?—o doubt they are.

2005. Composed mostly of a very humble ss?—They are.

2006. Do you think it fair to ask a clergyman pay such a sum as 150 *l.* out of his own pocket things which are absolutely essential to the tholic service?—I could not answer that estion without being obliged to say what I ought was unfair towards Protestants.

2007. Is not it a very grievous burden upon n?—I do not think it necessary for him to be at t expense.

2008. Supposing it was 100 *l.*, would you be prised to hear that it was a great burden?—I can imagine 5 *l.* being spent, which he might think necessary, but which I might think objectionable.

2009. But assuming that he has to pay 100 *l.* out of his own pocket for the purpose of purchasing sacred vessels and vestments, do you not think that that is a very onerous burden upon him?—It is one which he imposes upon himself, and from which he ought not to be relieved.

2010. Supposing he cannot, without having these essentials, perform the rites of his own church, and therefore he must undergo that expense; is not the undergoing that expense a grievous burden upon him?—It cannot be otherwise than a burden to him; but I do not think the Protestant part of the community are to blame for that, or ought to bear it.

2011. Where is he to get the money from?—You must allow me to say, where he can. Protestants ought not to pay it.

2012. Is it not the fact that there are, necessarily, very heavy burdens thrown upon the wealthy portion of the Catholic community for schools and churches, and various institutions and churches in poor districts, for the support of the clergymen?—And so there are in every part of England upon the Protestants, with regard to schools and poor, and upon Dissenting ministers of all classes.

2013. But we are speaking of the Catholics, whom you admit are of a very poor class, with comparatively few rich people amongst them; therefore, is not the burden of providing such matters the more grievous upon the Catholic priest?—Unquestionably; and a great reason for the expense not being incurred.

2014. But suppose that those things to be supplied are essential to their service, and things without which there can be no service?—With submission, you know it is what one man thinks essential to his service, in opposition to what another thinks; our differences are great upon that point.

2015. I do not want to refine upon the matter at all; but suppose there are certain sacred vestments without which a Roman Catholic clergyman cannot perform the rites of his own church, would you say that the providing of them should be thrown upon the Catholic clergyman himself?—Decidedly; or his community; or not incurred.

2016. And, through him, upon the poor congregation?—I think they are unnecessary.

2017. With great respect to you, why should you form an opinion upon a matter of the kind; a matter which is not really within your cognisance at all?—I do know something about it. I have been upon the Continent, and I have seen the enormous expense incurred there in celebrating their services.

2018. We are speaking merely of simple necessaries?—I have already said that as far as relates to the necessaries which in the Protestant church are considered essential I should have no objection to furnish them to the Roman Catholic priest.

2019. But you will admit that there are certain things to be provided, without which there can be no Catholic service?—Then I can only regret it, but I would not be a party to supplying them.

2020. But if you hear it stated, upon Catholic authority, that that is the fact, and that all authority unites in saying that that is the fact, would you wish to alter your opinion?—I could not make any other statement; I consider the expense unnecessary.

Lieut. Colonel THOMAS HARPUR COLVILL, called in; and Examined.

Lieut. Col. *T. H. Colvill.*

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2021. *Chairman.*] I BELIEVE you are the governor of Coldbath Fields House of Correction?—I am.

2022. Dr. Kirner stated in his examination that an official invitation was made to the prisoners to attend the Protestant worship; the first question put to him on that subject was this: "Have you found that there has been a tendency, more or less, on the part of the Protestant authorities to interfere with the Catholic prisoners? Such a case occurred last August or September."—Then the witness was asked to state what were the circumstances of that case, and this is what he stated: "It was officially given out in all the wards that any Catholic who would wish to attend the Protestant service on Sunday afternoons could do so, and that they were to give in their numbers; and then on Sunday afternoons, as there was no service for Catholics, some of the Catholic prisoners, simply to get out of their cells and to get more liberty, attended the Protestant service; I considered it as a direct invitation, because some of the warders opened the prisoners' cells, and said, 'For church;' and then if a prisoner said, 'I am a Catholic,' the answer was, 'You will be locked up if you do not go;'" and he stated that that order was given by the governor; it is with reference to that matter that we wish to have some explanation; what is your explanation of it?—I do not quite remember the circumstances of that case, but it had been an understanding in the prison for many years until lately that Roman Catholics might attend the Protestant service if they pleased; and as far as I remember there was some question as to whether they might go in this case, and I said they might go if there was room; and upon that I think the chief warder put this order in writing, which I had not seen.

2023. Have you a copy of it with you?—No, I have not, but it was to the effect that the Roman Catholic prisoners might attend the Protestant service if they wished.

2024. Was that order communicated to all the Roman Catholic prisoners?—Yes, through the warders.

2025. Did you see that afterwards?—Yes, afterwards.

2026. Was that order given in consequence of any conversation that you had with the warder?—I think it must have been in consequence of some question asked me as to whether the Roman Catholic prisoners might go to the Protestant service or not. I said, "Yes; the Roman Catholics may attend the Protestant service if they wish."

2027. Are the Committee to understand that any one inferior to you in authority would issue such an order as that without your authority?—The chief warder, no doubt, thought that he was carrying out my orders, and put into writing what I had told him by word of mouth.

2028. Do you think that he was carrying out your order?—So far as telling them that they might attend the Protestant service if they pleased, he was, for that had been always the understanding, until the prison became so crowded in March 1869 that all the Protestant prisoners could not attend service on Sunday.

2029. Then the statement made by the Catholic clergyman is true, that such an order was officially communicated to the Roman Catholic prisoners?—It is.

2030. Did you receive your instructions in reference to that matter from the visiting justices?—No, not directly upon that point; but it had always been the rule during the 15 years that I had been in the prison, that the Roman Catholics might attend if they liked, when convenient; but there was no compulsion upon them to do so, if they did not wish it.

2031. But do you not think that such an invitation would be likely to have a powerful influence in tempting men to give up a cold cell for association in a warm chapel?—It might have had that effect, certainly; but it was not done with that intention. The separate cells are warmed in cold weather.

2032. Supposing that that order was still in force, and that the Roman Catholics were in the habit of taking advantage of that invitation, do you not think that it would have at the end, we will say of six or 12 months, a very serious effect upon their religious opinions?—It is hard to say; I think it might; but it would depend upon how far they were influenced by what they heard.

2033. But you assume, of course, that the Protestant chaplain does his best to impress his hearers with the truth of what he says to them?—Certainly.

2034. Would that not have a very strong tendency, therefore, to influence a man's religious opinions?—To a certain extent I think it would.

2035. Would you think it right, therefore, to take advantage of the helplessness of a prisoner to put him under an influence to which he ought not to be subjected?—Perhaps it would hardly be right.

2036. But, at any rate, that order was rescinded a short time afterwards?—Yes.

2037. And no such order is given now?—No; on the contrary, the order is that Roman Catholics shall not attend the Protestant service.

2038. The next thing, therefore, that would have to be done would be to provide accommodation during that period of the Sunday for the Roman Catholics, as well as for the Protestants?—Roman Catholics would be in the same position as Protestants not attending the afternoon service.

2039. Are you in favour of giving a second Roman Catholic service upon the Sunday?—No; I consider that it is not necessary; but in order for each Protestant prisoner to attend service upon Sunday it is necessary to have two services.

2040. Are there not some Protestant prisoners who attend the morning and evening services?—There are very few who do.

2041. But there are no Roman Catholics who attend a second service on Sunday?—No.

2042. Do you not think, if the clergyman were willing to give that second service, it would be right for the prisoners to have the benefit of it?—Prisoners are glad to leave their separate cells for association; and I think there would be some inequality if the Roman Catholic prisoners came out as a regular rule twice a day to attend service, and the Protestant prisoners only once.

2043. Do you not think that that inconvenience might be obviated if it were thought advisable to have the chapel enlarged?—No; I consider

nsider that 800 is a very large number of men have loose in a prison at one time, and any oman Catholic service would be in addition to at number.

2044. Mr. *O'Reilly.*] How many persons does e Protestant chapel hold?—Eight hundred.

2045. What is the number of Protestants now the prison?—It varies from 1,500 to 1,600.

2046. It is returned here as 1,400?—The mber is constantly varying; sometimes it is re than 800.

2047. What per-centage of that number would casualties, or not permitted to attend on the nday?—I should think there would be 100 isoners of all classes prevented from attending e service by being under the surgeon's care.

2048. And there would also be some under nishment; how many would you set those down ?—About 30.

2049. Lord *Enfield.*] There is chapel for the otestants every morning, is there not?—Yes.

2050. How do you manage if it only holds 0?—Those at work on the treadmill, only end once on the week-day, and the other isoners do not attend every day.

2051. There would be great difficulty to find ditional room even if it were thought adsable?—Yes, there would, and I do not think t it would be advisable to provide accommotion for a larger number than 800.

2052. Where is mass celebrated in Coldbath elds prison?—In the old Protestant chapel, ich will hold about 500.

2053. What time on Sunday is the Roman tholic service held?—The same time as our vice, half-past nine.

2054. Mr. *Guest.*] I suppose that a certain mber of the warders in the prison are allowed ve on the Sunday?—Yes.

2055. And in consequence of that, I presume u would think it undesirable to have a large dy of prisoners collected on a Sunday afterion?—Yes. It always struck me that the st dangerous time is Sunday afternoon; for en we have the fewest warders we have also largest number of prisoners loose, and if there re any desire to mutiny on the part of the priners, no doubt that would be the time chosen it.

2056. If there were any extra Roman Catholic vice on the Sunday afternoon, you would, of urse, be unable to give so many warders leave now obtain it?—Of course it takes a great ny warders to supervise those prisoners, and bring them up to chapel in the ordinary way; l also it would interfere with the other regutions concerning the feeding of the prisoners, exising them, and preparing their cells for night.

2057. How many warders have you, altother, in the prison?—About 140.

2058. Those would not all be on duty at the ne time?—No; there would be some for night ty, and some on leave; about three-fourths of m would generally be on duty.

2059. Mr. *Knatchbull-Hugessen.*] Do you end the chapel in the discharge of your duty? I attend the Protestant chapel every day.

2060. Did you ever hear any sermons preached the chapel respecting differences of creed, or they, as a rule, practical and instructive sers?—I have hardly known a case in which re has been any special reference made to ference of creed.

2061. Have you had any cases of complaints of proselytising on one side or the other?—No, I think not.

2062. *Chairman.*] Dr. Kirner has stated that the Protestant chaplain has sometimes sent for and spoken to Roman Catholic prisoners; do you know anything about that?—I think that there must be some mistake about that. The old rules required that the chaplains should see every prisoner; and in 1866 it was decided that they should still see every prisoner once, but that they should not speak to Roman Catholics on spiritual subjects.

2063. Was that upon their entrance to the prison?—Shortly after their entrance; on the first opportunity that he had to see them. That was the practice up to the 17th of September 1869, when an order was made by the visiting justices that the Protestant chaplains should not see the Roman Catholic prisoners at all.

2064. Will you just state to the Committee in what manner the creed register is taken down?—We have a reception room, where all the prisoners are brought on the first day of their arrival?—

2065. Who is there at the time?—The reception warder, with an assistant. He receives all the prisoners as they come in, and they remain there all that day and sleep in a special place at night. On the next morning an assistant chief warder goes into the place and asks each man what his religion is.

2066. Who is present at that time?—The officers whose duty it is to be there and all the prisoners who had come in the day before.

2067. Not the Protestant chaplain?—No, he is not there; he remains in his room, and the prisoners are brought to him as he wishes to see them.

2068. But he is not present in that reception room?—No.

2069. Mr. *O'Reilly.*] You state that there is daily service for the Protestant prisoners in the chapel?—There is.

2070. Would there be any difficulty, if it were thought desirable, in permitting Roman Catholic prisoners to attend a daily service?—No; the only difficulty would be in collecting the men; the more there is to do, the more officers we require.

2071. Viscount *Enfield.*] Are there any Roman Catholics among the warders?—I think there are only two.

2072. Mr. *Dimsdale.*] Has there been any application for daily service?—I think not.

2073. *Chairman.*] Is there anything that you would wish to state to the Committee before you leave?—There is one point that I should like to explain, and it is that relating to the rules which should guide the visiting minister. It struck me, on looking at the copy hung up in the priest's room, that it had not been corrected according to an order of 1867, which increased the number that might be assembled for instruction on week days from 10 to 25, and I made the correction with my pen about a week ago. I think that the mistake must have arisen in this way; that when we were preparing a new room for him, I forgot to have that alteration from 10 to 25 made in the copy of the rules which was to be hung up in his room. Mr. Tunstall was acquainted with the alteration, for I have seen a letter from him asking that the number might be increased from 25 to 120, but possibly Dr. Kirner was not aware of it, as the correction, unfortunately, was only made after he was examined here.

The Rev. PATRICK PHELAN, called in; and Examined.

Rev. *P. Phelan.* 7 April 1870.

2074. *Chairman.*] To what mission do you belong?—St. Mary's, Moorfields.

2075. How long have you been connected with the gaol of Newgate?—Since November.

2076 Where is your predecessor?—At Rome at present.

2077. Have you access to the prison register?—I have never asked to see it.

2078. Do you know that you have a right to see it?—I understood that my predecessors had never any access to it, so I did not apply for it.

2079. If you had thought you had a right to see it, would you now apply?—Yes.

2080. How do you know what Catholics there are in the gaol?—I am furnished with a list of the Catholic prisoners to which the fresh names are added on weekly.

2081. You have no doubt of the accuracy of that list, have you?—None.

2082. What is the average number of Catholics in the prison?—It varies very much; at one time I think there were over 20 in it; at present there are eight or ten.

2083. What class of prisoners are they?—A very bad class generally.

2084. Are they ignorant generally?—Some of them are.

2085. You would say that that is a class more than any other which requires spiritual ministration and instruction?—Yes.

2086. Do they require more time to be given to them for instruction than you can now afford them?—Yes; in fact, some weeks I cannot go there at all at present.

2087. Why cannot you go there?—I have a hospital to attend to and a large district.

2088. If you gave the Catholic prisoners as much time as you would wish to give them, and as you would think necessary, would it occupy considerable time and interfere with your other duties?—It would occupy considerable time, and would interfere with my other duties. It would be difficult to fix the time it would require to attend to them, as it would vary with the number of prisoners.

2089. You have a very large district?—Yes, I have.

2090. Is it generally a poor district?—Yes.

2091. Would the duties of your mission sufficiently occupy the entirety of your time?—Yes.

2092. What would you suggest in the interest of the Catholic prisoners of Newgate?—At present it is impossible for the priests of Moorfields to attend properly to them; their other duties are so numerous. I would, therefore, suggest, in order to have the prisoners properly attended to, that a chaplain be appointed.

2093. Or, at least, a visiting clergyman?—Yes, a visiting clergyman.

2094. Who should be paid fairly for his services?—Yes.

2095. At any rate, the duty is almost left undone at present?—Yes.

2096. What time do you give now to the prison?—Sometimes I may give two hours in the week, and sometimes not as much.

2097. But you state that there is great necessity for religious instruction from the Roman Catholic clergyman?—Yes, great necessity, as sometimes I find prisoners there who have never been instructed, or if they have ever been instructed, they have never attended to their religion in any form.

2098. Have you permission to assemble prisoners together, and give them general instruction?—No.

2099. Would that be useful to you?—At present, it would be most useful, for, as I am situated at present, if I could assemble the Catholic prisoners, it would be more beneficial both to them and to me as I could give them instruction altogether.

2100. What you would say to one you would say to all?—Yes.

2101. Is there any Catholic service at all in Newgate?—None whatever.

2102. Have any of your predecessors applied for it?—I am not aware that they have.

2103. Have you applied for it yourself?—No.

2104. Have you applied for permission to gather them together?—I have not applied for that permission.

2105. You do not know, supposing you made such application, whether it would be conceded?—Such application was made by a priest some years back.

2106. And what was the result of that application?—He obtained his application once.

2107. What is the reason why you yourself have not made that application?—I have not made the application, (1st.) because I thought it would be useless to do so; and (2nd.) because my connection with the prison is only a temporary one.

2108. In fact, you could not give your time to it?—I could not give my time to it.

2109. Your time is so much occupied with your ordinary duties that you could not give the necessary time?—I could not give it.

2110. Would it not be well to make that application so that you might see the prisoners altogether?—If I thought I should succeed I would make it. It would be a very great advantage, as want of time prevents me, under the present system, from performing many duties for the prisoners which I should otherwise perform.

2111. You have no complaint to make against the authorities of the prison?—None, whatever.

2112. They have been always courteous and kind to you, have they not?—They have.

2113. And you have applied for no remuneration?—None.

2114. But you could not devote your time to the prison in justice to your other duties, unless you were remunerated fairly?—Even supposing the authorities gave me remuneration for my duties at the prison, I could not at present give my time to it.

2115. Could not some other person be found who would give the time?—Yes.

2116. Would there be any difficulty about that?—None whatever.

2117. But you would think it absolutely necessary that there should be some person to give instruction to that class of prisoners?—Yes.

2118. And if there were a fair ordinary remuneration paid, you state that a person would be found to discharge the duty?—Yes.

2119. If a prisoner happens to be under sentence of death, of course the duty of the Catholic clergyman is very laborious?—Very much so.

2120. What time would you think necessary

no

now for the fair instruction of those people?—That would of course depend upon the number of the prisoners that were to be attended to.

2121. I think you stated that there were 20 at one time?—Yes, that would have been either the end of last December or the beginning of January.

2122. If you were relieved from your parish work, would you celebrate divine service to them on Sunday?—Yes.

2123. And also would you have morning and evening prayer?—Yes.

2124. Have you anything further you would wish to state to the Committee?—I have not.

2125. Viscount *Enfield.*] You are only doing the duty at the prison temporarily, until your predecessor returns from the Continent?—That is all.

2126. Mr. *Guest.*] There never have been, to our knowledge, over 20 Roman Catholic prisoners confined in Newgate?—Not more than that.

2127. You state that at present you cannot devote sufficient time to the prison, as you are bound to devote time to your other duties?—That is so.

2128. But you are of opinion that if a Catholic priest was paid to attend the Newgate Prison, he would be able to devote his time to the prison?—Yes, he would be able to devote as much time as would be necessary for the proper performance of the duties of the prison.

2129. But do you think that the remuneration that he would expect for those duties would support him?—No, it would not; but then he would have some other duties to perform; perhaps, light duties.

2130. I presume it would be most likely that in case of any remuneration being given for so small a number of prisoners, some one connected with the district would apply for the appointment?—The appointment would depend upon the superior.

Thursday, 28th April 1870.

MEMBERS PRESENT:

Mr. Dalrymple.	Mr. Maguire.
Mr. Robert Fowler.	Mr. Matthews.
Mr. Arthur Guest.	Mr. O'Reilly.
Lord Henley.	Sir John Pakington.
Mr. Knatchbull-Hugessen.	Mr. Synan.

JOHN FRANCIS MAGUIRE, Esq., in the Chair.

The Rev. Cornelius James Keens, called in; and Examined.

Rev. *C. J. Keens.* 28 April 1870.

2131. *Chairman.*] What prison do you attend?—The City Prison at Holloway.

2132. When did you first attend that prison?—I believe it was at the commencement of November 1868.

2133. How many times a week do you attend that prison?—I visit the prison two afternoons a week for about an hour and a half each time.

2134. Do you know what was the number of the Catholic prisoners in Holloway given by the last return, on the 20th of July 1869?—The total number was 56.

2135. Were those divided as follows, 41 men and 15 women?—I think it is so. I have no means of knowing whether this return is correct, as I have no access to the Creed Register.

2136. Do you see the prisoners singly?—I see them singly.

2137. Are you allowed to see them in any other manner?—No, I am not.

2138. Do you see all the Catholic prisoners in that prison?—I am sure I do not.

2139. Why do you say that?—Because I am only furnished with a list of such prisoners as, on entering, have declared their positive wish to see me.

2140. Is there no list given to you of the Catholic prisoners?—When I first went there no list was furnished me; but I applied later on, and succeeded in getting a list furnished me, which I applied for by letter.

2141. What was the date of that letter?—The date of the letter was 9th of February 1869.

2142. To whom is that letter addressed?—To the governor of the City Prison.

2143. Will you read it?—"Cornwall-place, Holloway, N., 9th February 1869.—Dear Sir,—I find that by Article the 4th of the Act, known as 'An Act for the Amendment of the Law relating to Religious Instruction of Prisoners in County and Borough Prisons in England and Scotland' (28th July 1863, Anno Vicesimo Sexto and Vicesimo Septimo, Victoria Reginæ), 'the keeper or other person performing the duties of keeper of a prison, on receiving into his custody any prisoner, shall enter his name in a book to be provided for the purpose, with the addition of the Church or religious persuasion to which the prisoner shall declare himself to belong, and the said keeper or other person shall from time to time give to any minister appointed or permitted to visit prisoners in the prison, a list of the prisoners so declared to belong to the Church or persuasion of such minister.' You will oblige me much, in accordance with the above Act, by furnishing me from time to time with a list of the prisoners declared as Roman Catholics in the entry book quoted above. I should be grateful if the said list could be provided for me on my visit to the prison next Monday.—Believe me ever, in Xt., yours very respectfully, *C. J. Keens.*"

2144. You had been visiting the prison from November previously, had you not?—Yes, from November 1868.

2145. What was the answer to that letter?—The reply was as follows: "City Prison, Holloway, 10th February 1869.—Rev. Sir,—I beg to acknowledge the receipt of yours of yesterday.—Yours respectfully, *J. Weatherhead.*"

2146. Did you consider that answer satisfactory?—I did not; but on the following Monday I made my application for a list of the Catholic prisoners.

2147. To whom did you make that application?—To the chief warder.

2148. What was the result?—He gave me a list of the Catholic prisoners, and I asked him to answer me distinctly, whether that list embodied all the Catholic prisoners in the City gaol; he distinctly told me it did not, and he showed me an Act of Parliament, which he seemed to act upon, whereby prisoners had the option of refusing to see the Catholic priest.

2149. You thought you had a right to a list of all those who had registered themselves as Catholics?—Yes, I thought so from this Act of Parliament.

2150. You only received a list of those who expressed a wish to see the Catholic clergyman?—That was so.

2151. Did you take any further action in reference to that matter?—I made no further application after that.

2152. Were you satisfied with the limited number of your visits to the prisoners?—I was not at all satisfied with it.

2153. Did you make any application to have additional powers of visiting given to you?—I did.

2154. When did you make that application?—I made that application on 3rd December 1868.

2155. That was shortly after you came to the prison?—It was shortly after I entered the prison as the visiting priest. I wrote a letter then to the

he governor of the prison; this is a copy of it *producing the same*).

2156. Will you read that letter?—"19, Corn-all-place, Holloway N.—Dear Sir,—Having as-certained, on the best authority, that in the Go-ernment prisons complete liberty of religion is llowed to Roman Catholic prisoners, and that the oman Catholic chaplain is permitted to stand in recisely the same relation towards them that the rotestant chaplain stands towards the Protestant risoners, I desire with all respect to make the ollowing requests with regard to my ministra-ions in the City Prison, Upper Holloway. 1st. ccess to the Creed Register. 2nd. Power of iving evidence with regard to the religion of uch prisoners as, being actually registered as rotestants, desire to be entered as Roman Ca-holics. 3. Power of assembling for Divine ser-ice in the morning and evening on Sundays and olidays. 4. Free access to the cells of all those ho are registered as Roman Catholics.—Wait-ng your kind reply, believe me, in Christ, yours ery respectfully, *C. J. Keens.*—3rd December 868." This is addressed to the governor of the ity Prison. I waited some considerable time r a reply, and not having received one, I wrote n Christmas Day to this effect: "Christmas Day, 868.—Dear Sir,—I shall feel obliged by an nswer to my letter of 3rd December, making ertain requests with regard to my ministrations the City Prison, Upper Holloway.—Believe e ever, in Christ, yours very respectfully, *. J. Keens.*—To the Governor of the City Pri-on." I then received a reply from the City rison, dated the 1st January 1869. "Rev. Sir, —Your letter of the 25th December 1868 is to and, and in reply I respectfully beg leave to nform you that your letter of requests is at pre-ent under the consideration of the magistrates. When they have decided, which I think will be t their next meeting, I will inform you of the esult.—I remain, Rev. Sir, yours very respect-ully, *J. Weatherhead*, Governor." Later on received an official acknowledgment from Guild-all, dated the 6th January 1869: "Sir,—I am irected by the Gaol Committee of Aldermen to nform you that your letter to the governor of he City Prison, Holloway, relative to your minis-ration in that prison, has been laid before them, nd is now under their consideration.—I remain, ir, your obedient servant, *F. Woodthorpe.*"

2157. Did you do anything in consequence of ceiving that answer?—I was simply waiting for reply to my letter which had been acknow-dged by the governor and by the clerk at uildhall; and I have waited some considerable ne.

2158. What time have you waited?—I have aited to the present day. I have never received y official reply; my letter to the governor was ted the 3rd December 1868; the official reply n Guildhall was dated the 6th of January 69, acknowledging the receipt of my letter, and e fact of its being placed before the Aldermen their consideration.

2159. During the month of January you wrote other letter?—No other letter.

2160. Those were the only letters you ad-essed to the authorities in reference to the son?—I wrote another letter which came later course of time.

2161. During the month of January you wrote other letter?—None.

2162. I should imagine that your intention was to address these authorities as respectfully as you could and with every regard for your own position as a gentleman?—Exactly.

2163. There was nothing in your letter but what was studiously polite?—Nothing whatever.

2164. Did you make any further application for permission to assemble the prisoners either on week days or to have Divine service on Sunday?—No; I was simply waiting for an answer to my letter, and I found my reply in the public journals where I was stigmatised, I must say, in the most unkind and ungentlemanly manner in reference to my application.

2165. In what journal did you see that?—In the "City Press," and the report was also criticised by the "Pall Mall Gazette" and other papers which represent, I believe, public opinion; they criticised the language made use of by certain aldermen in reference to my letter.

2166. Did you ever see that language denied or repudiated?—No, never.

2167. Did you see it yourself in the newspapers?—Yes; I saw it myself in the "City Press."

2168. When did you see it?—I saw it recently and when it first came out.

2169. Mr. *Synan.*] When did you first see it?—My attention was called to it about a month after I wrote the letter.

2170. *Chairman.*] Did you ever receive any further answer in reference to that application of yours beyond the official one dated the 6th of January?—Never.

2171. Did you renew your application?—I did not, as I thought it was of no use, from what I saw in the newspapers.

2172. Therefore, on that matter the correspondence was closed?—It was closed.

2173. Will you state to the Committee the reasons which induced you to make no further application?—I found, first of all, that Mr. Alderman Wilson, when my letter was read on Tuesday, January 19th 1869, before the Court of Aldermen assembled under the presidency of the Right Honourable the Lord Mayor, had stated, or is represented in the "City Press" as having stated, that my application was inopportune, that I was premature in making my application; because he said I made it as the Roman Catholic chaplain of the City Gaol, when they had no Roman Catholic chaplain at the City Gaol. I am not aware that in my letter to the governor I stated that I was the Roman Catholic chaplain; I merely signed myself as an ordinary priest. Alderman Wilson brought it against me that I had assumed a title I had no right to, and that I was therefore premature in writing my letter.

2174. Was it in the newspapers that you saw that report?—Yes, in the newspapers. I find also that he objected altogether to my having access to the Creed Register, and he said moreover that I came to the prison about a month ago, but how I got there they, the aldermen, did not know; whether I was sent by the Pope or by Dr. Manning, or by whom, they did not know.

2175. Did you receive permission in the regular way from the authorities to visit the prison?—I did. I visited the governor, and he had also, I believe, been previously informed of my coming by my predecessor. I was received kindly

Rev. *C. J. Keens.* — 28 April 1870.

kindly by the governor, and I must say that I have nothing to complain of in the way of treatment at his hands. Mr. Alderman Wilson, moreover, stated that when a Protestant chaplain was appointed, the appointment was made from first-rate men, but here was a man whom they did not know, who asked to see the prisoners in private, and to see the women alone, and to ask them questions with no one present to hear what he said. I hope Mr. Alderman Wilson will satisfy the Honourable Committee as to what he meant with reference to my ministrations at the City Gaol. He moreover spoke of my archbishop as a Romish archbishop, which we know is an offensive term. He alluded to me in a very unpleasant manner; he said, "The writer of this letter might be a man of no education, or he might be a mischievous man."

2176. From the observations attributed to the aldermen in the report of their meeting, you were discouraged from making any further application?—Altogether discouraged.

2177. You have had no Catholic service on Sunday in the prison, I believe?—No Catholic service whatever.

2178. Is there a Protestant service?—Yes.

2179. Is it once or twice on Sundays?—Twice on Sundays.

2180. Do you know whether any Catholic prisoners were in the habit of attending that service?—Some of them attend the service.

2181. Were you ever asked permission by the Catholic prisoners to attend the Protestant service on Sunday?—Yes; they asked my permission to do so in order to break the long silence, or the confinement of their cells.

2182. Did you give permission, or did you refuse to allow them to attend?—I always refused my permission. I could not conscientiously allow them to do so.

2183. Do you think it is a very great hardship to these Catholic prisoners to be locked up on the Sunday in their cells, while the Protestants are attending their place of worship?—It is a very great hardship indeed, and they have always complained of it.

2184. Is it not the fact that some do really attend the Protestant service?—They do really attend, for the reasons I have given.

2185. Is not a powerful inducement to declare themselves Protestants offered to them by preventing them from having any service of their own, and giving them an opportunity of access to the Protestant service?—A very great inducement indeed. When the prisoners enter they are asked if they are Catholics, and if they say "Yes," they are registered as Catholics; then they are asked if they wish to attend the chapel, which, I consider, is a pressure put upon the prisoners, and many are induced to say "Yes."

2186. Are the doors of the cells of the Catholic prisoners opened previously to divine service on the Sunday?—Every morning for prayers, and on Sundays twice. The doors are thrown open by the warders with the announcement, "Chapel," and this is a pressure put upon them, because they have to profess their faith over and over again (nearly every day, and twice on Sundays) to those who open the doors.

2187. Have you made any application with reference to that?—No; I thought it was no use, after the shocking report I saw in the "City Press" of the way in which my letter was received.

2188. With reference to books, do you supply the Catholic prisoners with books, or are they supplied by the authorities?—I had to supply the Catholic prisoners with books; but finding it was a great burthen upon me, as my people are extremely poor (the poorest of the poor), I applied to the aldermen for some contribution towards the purchase of books, by a letter dated the 28th September 1869, which is as follows: "The Rev. C. J. Keens presents his respectful compliments to the chairman of the committee of visiting justices of the City Prison, Upper Holloway, and begs leave to state that hitherto the onus of providing the Roman Catholic prisoners of the City Prison with books of instruction and devotion (with the exception of a few prayer books, already provided at the expense of the prison, and which are insufficient for the wants of the prisoners) has devolved upon the visiting priest. The Rev. C. J. Keens would, therefore, esteem it a favour if the visiting justices would make some allowance for the purchase of books, under any condition they might think it right to propose."

2189. Did you get an answer to that letter?—I got a reply to this effect: "Guildhall, 11th October 1869.—Sir, I am directed by the gaol committee of aldermen to inform you that your letter of the 28th of September last has been laid before them, and has received their best consideration, and I am to inform you that a supply of books is provided for the use of all the prisoners at the City Prison, Holloway; but that the committee consider you are at liberty to exclude such books from the use of the Roman Catholic prisoners as you may think fit."

2190. Then your application for Catholic books was practically rejected?—It was.

2191. Will you give the Committee some information with reference to the books that were given to the prisoners generally, including the Catholic prisoners?—All the Catholics are provided with Protestant books, many of which are very much opposed to their faith, which I, as their visiting priest, could not allow them, in conscience, to read.

2192. Will you give the Committee an idea of those books?—One is a "History of the Spanish Inquisition;" "The Lives of the Popes;" "The Great Apostacy;" "The History of Columbus," and the "Sunday at Home."

2193. Those books are impressed with a strong anti-Catholic spirit, are they not?—They all contain matters pointedly depreciating their faith.

2194. Those books, in your opinion, were not such as ought to be given to the Catholic prisoners?—I could not conscientiously allow them to read such books.

2195. Were those books read by the Catholic prisoners?—They were read by them, but of course they brought them to me to show me those little points, and I said, "You cannot read these books."

2196. Do you know whether they were read by any number of them?—The majority of the prisoners certainly would not read them; but some, from the want of other books, and out of curiosity, would read them.

2197. I suppose, to relieve the irksomeness of confinement, they would be glad to get any books to read?—They would be glad to get any change.

2198. You do not, of course, think it a fair thing to take advantage of the helplessness of prisone

isoner to put books offensive to his religion into s hands?—The prisoners have complained to over and over again of it, and it was owing the hardship I felt they were under that I ade the application to the aldermen which I ve mentioned.

2199. Did you repeat that application?—I did t.

2200. Did you take any further steps with ference to this point?—I thought it was best use my influence alone with the prisoners, as thought with the officials I should have very le chance of doing any good.

2201. If you were allowed to assemble the isoners together on week days, and to have vice on Sundays, are you of opinion that the sult would be beneficial to the prisoners?—I quite sure it would, from the effects produced, en under present circumstances, upon them. mbers have been round to see me when they ve left the prison, to thank me for my minis- tions.

2202. Holloway is a house of correction, is it t?—It is.

2203. Convicted prisoners only go there?— s, only convicted prisoners; it is not a house detention.

2204. If I mistake not, the sentences are often- nes very light, the offences being rather vial?—They are generally. The longest time for two years; and many are there only for ee days, seven days, or a fortnight.

2205. Considering that a prisoner who would punished by three days or a week, or a fort- ht's imprisonment, would not be a hardened ender, do you not think that that is the very rson upon whom the ministrations of the priest uld have the most effect?—I think it is im- rtant that the priest should be brought into ntact with those persons. They are very often ought there for the first time, and are incipient eves. I think that if the influence of the rgy could be brought to bear upon them at t moment, they might often be saved effec- lly.

2206. Your congregation is a very poor one, t not?—Very poor indeed.

2207. Still, if you were permitted by the au- rities to visit the prison more frequently, or have service on Sundays, you would endeavour have it?—I should certainly have made use of influence to get an assistant priest appointed.

2208. You yourself, or your spiritual superior uld have made an exertion at any sacrifice, to vide adequate spiritual teaching for those ople?—Exactly; we most certainly should.

2209. And, as you say, you having failed in ir attempts to procure this privilege for them, re discouraged from any further efforts in that ection?—From any further efforts in that ection.

2210. Is there any statement that you wish to ke to the Committee following up anything I e asked you?—I wish merely to say that the ole tone of the prison is opposed altogether to thing like the practical carrying out of his h by a Roman Catholic prisoner; he cannot sibly do it; all the pressure is the other way. nen he enters he is asked if he will attend the pel, and though he is registered as a Catholic, ry morning, and twice on the Sunday, the doors are opened with the announcement hapel." He is brought in contact with the plain when he enters, and he is brought in tact with the chaplain once a fortnight; and he is also brought in contact with the chaplain when he goes out; all possible contact is promoted between him and the services of the Protestant religion. The Catholic religion is quite cut off from him unless he takes the initiative and struggles against all the opposition around him.

2211. Sir *John Pakington.*] How long have you been in attendance as a Roman Catholic priest on the prisoners in Holloway Prison?—Since the beginning of November 1868.

2212. Then the applications which you have informed the Committee you made in December 1868, were made very shortly after the commencement of your connection with the prison?—Yes.

2213. What is the system of prison discipline in Holloway Prison; is the separate system in action there?—Yes; the separate system is in action there.

2214. Is each prisoner, male and female, in a separate cell?—In a separate cell; the prisoners may work together at certain duties during the day, but it is really the separate system which is in operation.

2215. If I understand your statement rightly, you wrote twice to the governor in the month of December 1868, was that so?—I wrote to him twice in the month of December 1868.

2216. Will you tell the Committee once more what were the specific indulgences for which you asked in that letter of December 1868?—They were four; first, access to the Creed Register.

2217. That, I presume, was to enable you to feel satisfied with reference to the real number of Roman Catholics in the prison?—It was.

2218. What was the second?—The power of giving evidence with regard to the religion of such prisoners as being actually registered as Protestants, desired to be entered as Roman Catholics.

2219. What do you mean by "giving evidence?"—It often happens, or it may happen, that a man in a discontented mood, on entering the prison, may say that he is a Protestant, and may be sorry for it afterwards, he being in reality a Catholic; and he may wish, after mature thought, to see his priest. If I had access to the Creed Register, I should be able then to have that corrected.

2220. How would inspection of the Creed Register have guided you with regard to knowing whether anyone who was entered as a Protestant in that register was a Roman Catholic?—I should know, in all probability, by the name.

2221. The name would guide you?—The name would generally be a very clear index.

2222. I presume that your real meaning in writing that letter was, rather that you should be at liberty to receive evidence than to give it in those cases?—To receive and to give evidence. It struck me as being a very important thing, that men entering the prison for their real amendment should not be allowed to take advantage of a falsehood. I had before me the case of a Protestant who was brought to me as a Roman Catholic, and I represented the fact to the chief, that such a man was not a Catholic, and knew nothing about the Catholic religion; and of course upon that representation he did not come to me again.

2223. Have you any reason to suspect that there are many prisoners entered as Protestants who are really Roman Catholics?—I have no

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reason at all for suspecting it, beyond this, I know that the case does occur, and has occurred in the Government prisons.

2224. What was your third point?—The third point was the power of assembling the prisoners for Divine Service in the morning and evening on Sundays and holidays.

2225. That, I presume, is a request to which you would attach very great importance?—The greatest importance.

2226. Much more so than to either of the previous questions?—Yes.

2227. I understand that you, from that day to the present, have never received any answer to that request?—None whatever.

2228. Although you have never received any answer to that request, has any concession in that respect been made to you; have you ever been allowed to collect the Roman Catholic prisoners for Divine worship?—Never.

2229. Now, take your fourth request, what was that?—For access to the cells of all those who are registered as Roman Catholics.

2230. Was that practically refused?—It was.

2231. You have visited some of the prisoners in their cells, have you not?—I have.

2232. Then what guided you with regard to those that you did visit, or those that you did not?—If they had made a special request to see me on entering, and they happened to be sick, then I was taken to see them when I visited the prison.

2233. Only when they were sick?—Only when they were sick.

2234. Do you mean that you, as a Roman Catholic priest, were never allowed to see a Roman Catholic prisoner in his cell unless he was sick?—I do not remember any other case.

2235. Do you mean to tell the Committee that you do not see any Roman Catholic prisoners at all, except they were sick?—Except they are sick, or in the infirmary; sometimes they are sick in their cells, or they might be in the infirmary, and then I should see them there, of course; and the others that I saw would be in a room provided for that purpose, when they come in one by one; but I never visited them in their cells.

2236. You were allowed to extend your spiritual ministrations to healthy men as well as to sick ones, were you not; or do you mean that you were only as a priest allowed to see sick prisoners?—I am allowed to see the healthy prisoners as well; but you asked me about seeing them in their cells.

2237. I thought you saw the other prisoners in their cells?—No; a room is provided in which I see them as they come in one by one.

2238. A room is provided for that purpose?—Yes.

2239. In that room do you see all the Roman Catholic prisoners in the prison?—No.

2240. Why not?—I only see those who have made a specific request to see me.

2241. No Roman Catholic prisoner was allowed to see you, or you to see him, unless he had asked permission to do so?—That was so.

2242. What proportion of the whole did you see in that way?—When I first went there, there were not more than about 12 or 13; now, from the fact of its being known in the prison that I go there, the Catholics apply to see me, and the number this week amounted to, I think, nearly 45.

2243. When you speak of only having seen 12 I understand you to mean not that that was the limit of the number in the prison, but the limit of the number of those who applied to see you?—That was so.

2244. I see in the last Return of July 1869 that there were 56 Catholics in the prison?—I saw about 32 or 34 out of that number.

2245. Do you see them all now?—I saw this week about 45 or 43.

2246. Men and women?—The majority were men, and there were about three or four women.

2247. Then, from not being allowed to see the creed register, you are still ignorant of the actual number of Roman Catholics in the prison?—I am quite in the dark as to that.

2248. Up to this time you never received an answer to your application with reference to Divine Service?—I received no reply whatever.

2249. Have you been prohibited from seeing more than one at a time in that room?—No, I have not been prohibited, but I thought it would be better under present circumstances to see them one by one.

2250. If I understand your last answer correctly, you do not know whether you might not have seen a number together if you had asked to do so?—I daresay I might.

2251. How many at a time would that room accommodate?—I do not suppose more than 12 could be there conveniently without the place being very offensive, but under the circumstances, I preferred to see them one at a time, my work is very great, and I can only spare about an hour and a-half on two afternoons in a week, and I find that it is more beneficial to the men under the circumstances, that I should see them one at a time.

2252. But if you had seen them 12 at a time you would have been able to see more prisoners during the time allotted to you?—But I could not hear their confessions; I must see them one at a time to hear their confessions. I have to prepare them for the Sacrament, and I could not do that if I saw them all together; and I could not spare more time from my mission under the circumstances.

2253. You stated to the Committee that every Roman Catholic prisoner on entering the prison when he gives his name as a Roman Catholic, is asked, according to the practice of the prison, whether he would desire to attend the Protestant worship?—Yes.

2254. You spoke of that as a pressure; what extent do you think that that amounts to pressure?—In respect of the question being asked by an official of the prison. The prisoners are always anxious to conciliate the officials as far as they can, and very often they think, perhaps, that by saying yes, they will be better treated. I do not say that there is any ground for their reasoning in this way, but that is, I believe, in many cases the reason why they do so.

2255. Are you aware whether a Roman Catholic prisoner, when he is asked if he would like to attend the Protestant chapel, is also asked if he would desire to see the Roman Catholic priest?—Generally so.

2256. He is asked both questions, is he not?—Both questions.

2257. Do you think that that amounts to pressure in the direction of going to the Protest-

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estant chapel; does not it give him a fair ption?—I say that he knows quite well that he more likely to conciliate the officials by con-enting to go to chapel, than by saying that he ill see the Catholic priest.

2258. Why do you suppose he would conciliate nybody by consenting to go to the Protestant hapel?—He would think so knowing that the hole discipline of the place is not Catholic.

2259. Do you know how many Roman Catholic risoners did avail themselves of the powers to go the Protestant worship?—I do not know, but I ust say that many of them, when they heard iat it was opposed to my wish, refused to go; id they had to go before the governor to give eir reasons why they did not wish to go to apel.

2260. You stated in answer to a question put the Honourable Chairman, that the Roman atholic prisoners were brought into contact with e Protestant chaplain once a fortnight; under hat circumstances does that occur?—Every eek the chaplain visits a portion of the prison, e left wing or the right wing, or whichever it ay be, and all the prisoners Catholic and Pro-stant await the coming of the chaplain at the or of their cells. He passes down and speaks every one of them, and thus they are brought contact with him; if they wish to speak to him ey can, and he can speak to them, and does so, d this is a pressure which I think ought not to put upon them.

2261. Do you know to what extent the Pro-tant chaplain on those occasions carries the nversation; does he enter into conversation on igious subjects with the Roman Catholic pri-ners?—I cannot say exactly, although I must this, that there are, I think, instances of pri-ners being influenced by being thus brought in tact with the chaplain and attending his ser-es.

2262. Your last answer is not very definite in form; you say there are, you think, instances prisoners being so influenced; upon what do u found that opinon; is it within your know-ge that anything of the sort has occurred?—s.

2263. Will you name the cases?—C 1,119, ederick Peter Desprez, entered the prison on 21st of December 1868. He was registered a Roman Catholic. The morning after he ered, the cell door was opened with the an-ncement, "Chapel." On attending chapel hearing a sermon from the chaplain, and nking there was no hope of his ever seeing a tholic priest, he continued to receive the reli-us ministrations of the chaplain. This went till the beginning of Lent 1869, when he was ted by a warder, who asked him then if he uld like to see the Catholic priest. He dis-tly stated, in the presence of a warder, that to that time he never knew of my visiting the son, and he refused on that occasion to see me, he told me from shame, having committed self to the religious ministrations of the plain. The chaplain, at the end of last year, ached a sermon, the nature of which was to ite them all to take the Sacrament, and this poor n was moved by the sermon to take the Sacra-nt, and being a Catholic and a Frenchman he w no other way of preparing for it than by ng to confession. He stated to the chaplain scruples, and that he wanted to go to con-sion, and the chaplain heard him; but still the n was not satisfied, at least he told the chap-).60.

lain that he was not satisfied, and that he was very uneasy in his conscience, and asked him what he would advise him to do. The chaplain advised him to remain as he was until he left the prison, and gave him as a rule, "When you are in Rome do as they do in Rome." But this did not satisfy the man's conscience, and this week he applied to the governor for permission to see me.

2264. You say he was a Frenchman, did he understand English?—Perfectly.

2265. He came to the prison in December 1868?—Yes, the 31st December 1868.

2266. And he is there now?—He is there now.

2267. Under long sentence, evidently?—I think 18 months.

2268. Did I understand you to state that he was induced to attend the Protestant worship by anything that the chaplain said to him at the cell door when he visited the wards in the morning?—I do not think that was the cause of it, but I think it was the general system of contact with Protestant influence.

2269. Am I at all misrepresenting a statement you have made, when I conclude that this was one of those cases which you have already described to the Committee, where the option was given to the Roman Catholic prisoner of attending the Protestant worship if he liked, and in which he availed himself of that permission?—In this case I do not think he knew that there was any other course open to him than that of going to the Protestant service.

2270. But you have just told the Committee that, on entering the prison, he would, by the rules of the prison, be told that he might go to the Protestant chaplain, or to the Roman Catholic priest, whichever he chose?—Generally speaking, that is the case.

2271. Have you any reason to suppose that the custom of the prison was broken through in that particular instance?—I think he may not have heard the warder, for he distinctly declares to me, in the presence of the chief warder, that he has no recollection of hearing anything with regard to the existence of a priest attending the prison.

2272. He had no recollection of having been told that he might see the Roman Catholic priest if he liked?—None whatever.

2273. But I do not understand that your statement amounts to anything like an attempt at proselytising on the part of the Protestant chaplain?—Only in this way, that the contact with all that was not Catholic induced the man to do what he did against his conscience.

2274. But usually, on the fortnightly visit, as I may call it, when the Protestant chaplain passes up the wards, as far as you know, does any conversation of a proselytising nature take place between the chaplain and the Roman Catholic prisoner?—I do not think so.

2275. And for the most part, I presume, from what you have told us, the Protestant chaplain has very little conversation at all with the prisoners; he sees them, and passes on?—He sees the prisoners, and then passes on.

2276. Does he usually converse with them?—He may if he likes, but I do not know that he does so upon religious matters.

2277. You are still ministering in that prison, are you not?—I am still there.

2278. It is stated in this Return, and I think you stated so too, that you go to the prison twice a week?—Twice a week.

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2279. Are you restricted by the rules of the prison from going oftener, or do you find that enough for your duties?—I could not spare more time to the prison.

2280. Is it desirable, for the sake of the prisoners, that you should go oftener if you could? I think so.

2281. You have never, since last December twelvemonth, renewed your application for permission to have Divine service every Sunday?—I thought it was hopeless after what I saw in the public papers.

2282. Did I understand you to state that, at the hour of Divine service, the doors of all the cells are opened?—If a warder knew that a certain cell was tenanted by a Catholic, then he might pass it over; but that is merely accidental.

2283. Then, when he knows that the man is a Catholic, and not in the habit of attending the Protestant worship, the door is not opened?—Not generally.

2284. And, I presume, if the door is opened, the prisoner does not intend to attend the service, or is a Catholic, he closes it?—The prisoner closes it.

2285. Is it your opinion that the alternative of either going to the Protestant service or staying in his cell acts as an inducement to a prisoner?—A very great inducement, particularly in the winter.

2286. But you do not know how many of the Roman Catholic prisoners attend the Protestant service?—I do not know that.

2287. Have you ever applied for any remuneration for your services as a Roman Catholic minister?—Never.

2288. Is it within your knowledge that your predecessors ever applied?—I do not think they ever did.

2289. The statement which you referred to in the newspapers, with regard to what passed in the Court of Aldermen, was as long ago as January 1869?—Yes.

2290. And from that time the whole question of the status and proceedings of the Roman Catholic chaplain at Holloway have been in abeyance and have remained as they were?—Exactly so.

2291. And you have made no fresh application?—No fresh application.

2292. Mr. *Synan.*] How many is your congregation composed of?—About 3,000.

2293. Do you think that your necessary attendance upon your congregation affords you sufficient time to devote to the 56 prisoners as well?—I am quite sure it does not.

2294. I suppose a sufficient service would be provided for those prisoners, if an opportunity were given by the prison authorities?—Yes, immediately.

2295. And I presume the prison authorities would also have a power of selection among the Roman Catholic ministers, who would attend this prison?—A power of approbation.

2296. If they objected to one candidate, they could have another and another submitted to them until they were satisfied?—Certainly.

2297. What is the character and class, moral and intellectual, of those 56 prisoners; is it a high or a low standard?—They are generally poor people in prison for trivial faults, blocking the way in the City in selling fruit, and so on.

2298. I am talking of their condition, intellectually and morally?—They are a poor class, and generally uneducated.

2299. You spoke of their getting such a book to read as the "History of the Inquisition"; do you know who is the author of that book?—I do not know; I think most of the books are published by the Tract Society.

2300. Have you read it?—I have not, but I have seen it; some of the prisoners brought me down their books, and I saw observations in some of them which I considered objectionable.

2301. In fact, they were indirect attacks upon the Roman Catholic Church?—That is so.

2302. And was the intellectual standard of those 56 prisoners of such a high character that they could be able to separate the poison of that book from what was really historical in it?—I should certainly say they were not capable of distinguishing the historical merits of the book.

2303. Do you think it was a fair book for the prison authorities to put into their hands?—Certainly not.

2304. The prison authorities confined your selection of books for your people to such books as "The History of the Inquisition," "The Sunday at Home," and "The Great Apostacy"?—Yes.

2305. The last-mentioned book is another in direct attack, is it not, upon the Roman Catholic Church?—Certainly it is.

2306. Then, "The Lives of the Popes;" is that confined to certain individual popes, or does it extend over the whole of them?—I could not answer that question.

2307. You applied for liberty to get moral and religious books for your people, and you were refused that permission?—It was refused.

2308. An Honourable Member asked you a question about proselytism, and about throwing open the doors of the cells, and the Protestant chaplain addressing himself to the prisoners; I presume you do not mean to charge him with direct proselytism?—No.

2309. But may not there be an indirect proselytism?—There is the general influence produced by contact.

2310. Do you think that may lead to proselytism?—Yes.

2311. Do you think that the refusal to have Catholic service in the prison, and the solicitation arising from throwing open the doors to the prisoners, to attend the Protestant service, and the refusal to give Catholic books, either of a moral or religious character, and giving a selection merely from a few Protestant books of a certain class, does indirectly lead to proselytism?—Yes, certainly.

2312. Supposing the prison was Catholic, and supposing the Catholic governor acted in the same way towards the Protestant prisoners, what would be your opinion, as chaplain, of the prison authorities?—That we should never hear the last of it.

2313. With reference to the option afforded the prisoners, my honourable friend asked you whether the Catholic prisoners had not the option of going to chapel on the Sunday; have they an option to go anywhere else?—They cannot go anywhere else.

2314. They must otherwise remain in their private cells?—Yes, they must.

2315. Then, in fact, it is no option at all?—None whatever; they must either go to the Protestant service or remain in the cells.

2316. Are the cells cold?—Very cold in the winter. The prisoners have begged and prayed

of me in the winter to allow them to go to the Protestant service for the sake of the warmth.

2317. Are you of opinion that 56 prisoners would require almost the whole of the time of a minister of their own religion?—I am quite sure there is ample work for any Catholic priest in that prison, and for this reason, the cases are short cases, and, although the actual number of prisoners may be small, still they are always going out and coming in; so that the aggregate of the year may amount to several hundred prisoners, so much so that during the last twelvemonth I must have seen about 230 different prisoners. As the sentences are very short sentences, it requires for that simple reason that all the efforts of the priest should be brought to play upon those persons, these being, for the most part, their first offences, in order that they might be cured by a little diligence and attention.

2318. Your congregation of 3,000 is very poor, I presume?—Very poor.

2319. You are supported by their voluntary contributions, are you not?—By their voluntary contributions.

2320. Consequently, if you got a fellow labourer in your vineyard, they would not be able to support you both?—They certainly could not.

2321. It would be absolutely necessary for the support of this priest who was allotted to the prison, that the governor or some other authority should pay for his services?—Certainly.

2322. Sir *John Pakington.*] With reference to that prisoner whose case you mentioned, and who is still in the prison, how has he been classed latterly; has he been classed as a Catholic or a Protestant?—He has always been registered as a Catholic.

2323. Has he been under your spiritual care?—Not till this week.

2324. You mean, he has continued to attend the Protestant worship until this week?—Yes, against his conscience.

2325. How do you know it was against his conscience?—Because he told me so.

2326. Why did he go to the Protestant chaplain?—Because he did not know, until Lent 1869, that he had any other opportunity of obtaining religious instruction.

2327. That is a good while ago?—Yes; but having committed himself, as he says, to the Protestant clergyman up to that time, he felt ashamed to see me; and his conscience had been uneasy ever since, until he summoned up courage to speak to the chaplain about it; and the chaplain advised him to remain as he was till he got out; but he said that he could not rest, and he applied to the governor that he might see me.

2328. When did he apply to the chaplain and have this conversation with him?—I think it was this week.

2329. In fact, the feeling of shame to which you refer has induced him to continue this long time with an uneasy conscience?—Yes.

2330. Mr. *Fowler.*] Who appointed you?—I was appointed by the Archbishop of Westminster to the mission of Holloway, and the prison being within the parish it fell under my cure.

2331. What course did you take?—I called upon the governor, and stated that I had been appointed to the mission, and wanted to know what facilities there were for my attending to the Catholic prisoners. He received me very kindly, and in the course of a few days I was shown round the prison by the chief warder. I have nothing to complain of with reference to the attention shown me by the officers.

2332. It was the same with regard to your predecessor, as far as you know?—I believe he had nothing to complain of as far as regarded the kindness and courtesy of the officials of the prison.

2333. I presume the system is that a man is asked what religion he belongs to when he enters the prison?—Yes.

2334. And your complaint is that men are frequently induced by the idea that the officials are Protestants, to register themselves as Protestants when they are really Roman Catholics?—It may happen so.

2335. I presume the officials of the prison are not necessarily Protestants?—Not necessarily; there are, I believe, a few Catholics.

2336. I believe you stated that you had made no application to the authorities; to whom would that application be made; would it be made to the Corporation of London?—In the first instance I wrote to the governor, and my letter was forwarded to them.

2337. Your congregation, I think you stated, was about 3,000?—Yes.

2338. And how many Roman Catholic clergymen are there for that population?—I am the only one.

2339. That is rather a small number?—But they are so very poor that they could not support another Catholic priest.

2340. One would consider that, quite independently of your work in the prison, you would be very much overtaxed in having a population of 3,000 to attend to?—Certainly; I have with my people alone as much as my strength can possibly bear, and I am obliged to neglect my own people during the time that I give to the prison.

2341. But I think I understood you to say that you could with satisfaction to yourself devote your whole time to the duties in this prison?—I could, and I am quite sure the result would be most beneficial to the prisoners.

2342. Mr. *Dalrymple.*] You said you had to take the initiative in all cases in approaching prisoners; are any difficulties, as regards seeing them, thrown in your way, except that you are not an officer of the prison?—I meet with difficulties.

2343. Do you meet with any difficulties except those arising from your not being an officer of the prison?—I do not meet with any other difficulty, as far as I know.

2344. Does the Protestant chaplain see the prisoners on their entrance, alone?—He sees them alone on their entrance.

2345. Do you not think that a man in such a mood as you mentioned, who, though a Roman Catholic, declared himself a Protestant, might be just as likely to declare himself a Roman Catholic, when in reality he was a Protestant?—It might happen so.

2346. Have you any reason for saying that a prisoner would go to the Protestant chapel in order to conciliate the prison authorities; I quite understand what you state about the warmth of the chapel being an inducement; but can you give any instance of such attempted conciliation?—From my knowledge, I cannot positively state distinct instances, but I certainly am under the impression that some have been influenced simply by the fear of incurring the displeasure of the

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the officials if they refused to attend the chapel, or if they said they were Catholics.

2347. You mentioned that the prisoners, on the occasion of the chaplain's visit, waited his coming at their cell doors; do you know any case in which the chaplain spoke to the Roman Catholic prisoners upon religious matters?—I have no recollection of any circumstance of that kind.

2348. With regard to that French prisoner who you stated thought it hopeless to expect to see a clergyman of his own faith; did he never know of your presence in the prison till Lent, 1869?—He declared most positively that he had no knowledge of my being in the prison.

2349. You had no access to the register of the prisoners?—No access whatever.

2350. Therefore you could not know of his case, except from himself?—Except from his own mouth.

2351. You spoke of the advantage of seeing incipient offenders; I suppose, if a prisoner was there for only three days, you would only see him once?—If I were regularly appointed I should see a case of that kind as often as possible; every day if possible, as I am quite sure that the influence brought upon incipient offenders would very often save them.

2352. You spoke of the discipline of preparing prisoners for communion; that would only occur in the case of long-sentence prisoners, would it not?—Not altogether; in the case of those who are there for a short time, they may have neglected their religion when they were out of prison, and the only hope of their radical amendment would be during the time they were in prison.

2353. I understand that it is the amount of your work elsewhere, and not the difficulties which are thrown in your way, which makes it impossible for you to attend more frequently at the prison?—At present I could not undertake more duty; it would require the appointment of a chaplain.

2354. Mr. *Guest.*] Do you know whether all the Protestant prisoners go to the chapel twice on Sundays?—They go twice on Sundays.

2355. I believe the books are changed every week?—Yes, I believe they are changed by the schoolmaster.

2356. The prisoners are, I believe, allowed to choose what books they like out of the number provided for them?—No; I think it depends upon the schoolmaster, who changes the books from week to week, and gives a fresh set of books to each cell; he does so systematically, and I think without the option of the prisoners.

2357. Did you raise any objection to those books, a list of which you have brought here?—No; I thought it was better, under the circumstances, not to make any further complaints.

2358. All the prisoners go to school, do they not?—I think it is optional; they can refuse to go if they like, or they can go if they choose.

2359. You did not think it was worth while mentioning to the schoolmaster that those books were objectionable?—I thought it was better not.

2360. You are never allowed to go down the wards?—Never, excepting it is to see a man who happens to be unwell, and then under the attendance of one of the officers.

2361. Is it the case, to your knowledge, that there is a different coloured ticket on the doors of the cells of the Roman Catholic and Protestant prisoners?—I do not know that.

2362. You stated that you wished to have access to the Creed Register; I presume you mean by that the General Register of the prison containing a description of the religion of the prisoners?—Yes.

2363. You stated to the Committee that, if you had access to that Register, you would have the power of correcting any error which might occur in the description of the religion of the prisoners; how would you propose to correct those errors?—If I saw a name which was evidently a Catholic name, such as Sullivan or Sweeney, or whatever it might be, I might say this is certainly an Irish name, and I shall be surprised if he is not a Catholic, and that man might be asked if he is a Catholic or a Protestant.

2364. You would propose that he should be asked that question?—Yes.

2365. By whom?—By the governor or by the chief warder.

2366. You would wish to have the power of bringing such a case as this before the governor?—Yes, because I should have grave suspicions that he was not a Protestant.

2367. With regard to the room provided for you, you mentioned that the prisoners are allowed to come there for confession?—Yes, I am allowed to see them one by one; the warder is outside the door; there is a glass panel let into the door so that the warder can overlook if he wishes.

2368. In no case are you allowed to go into the cell itself, except when one of the prisoners is sick?—No.

2369. You have never applied for a Roman Catholic service, have you?—Yes, I have.

2370. Was any objection raised on the score of insufficiency of staff?—None.

2371. Mr. *Matthews.*] Have you ever known a case of a Protestant falsely entering himself as a Catholic?—I conclude that the case I mentioned of a man representing himself to the chief warder must have been a case of that kind, as he was introduced to me as a Catholic, and I discovered that he was a Protestant.

2372. What was his motive?—I do not know; I reported the case to the chief warder and he said that it was by mistake that the man had been sent in. I could not verify that statement as I had not access to the Creed Register.

2373. Mr. *Synan.*] You did not mention your objection about the books to the schoolmaster, did you?—No.

2374. But did you not object to letting your people use those books, or any of them?—Yes; the very fact of my applying for Catholic books was practically an objection to those books.

2375. What did you do when you were offered a selection from those four books?—The selection was not offered to me.

2376. What did the prisoners say to you?—They complained to me of them.

2377. Did they read them?—No, they did not; they told me the nature of the books, and I said they must not read them.

2378. Did you send them back?—I had no authority to do so.

2379. Do you know whether that objection was communicated to the authorities?—No, I do not think it was; I am sure it was not.

2380. Mr. *Fowler.*] Are those books left in the cells?—They are left in the cells weekly or fortnightly. They are systematically taken round by the schoolmaster. The prisoners, I believe, have no selection.

2381. You

2381. You do not know who makes the selection of them?—I think the selection is made under the supervision of the chaplain.

2382. Sir *John Pakington.*] You stated that the books were changed every week, you thought?—I think so; I am not certain.

2383. You only mentioned four books. Have the Roman Catholic prisoners the option of reading any other books besides those four?—I do not think they have any option in the matter.

2384. Are those the only books supplied to the prisoners?—No, those are only some amongst others.

2385. Only some amongst others which are sent to the Roman Catholic prisoners as well as to the Protestant prisoners?—Yes.

2386. Do you know any case in which those four books were sent together, or were the only books sent to a prisoner, or were they mixed with others from time to time?—One of those books at a time would be sent to the Catholic prisoner.

2387. With others?—Yes.

2388. I understand those four books which you think so objectionable were books occasionally sent to the Roman Catholic prisoners?—Yes.

2389. Do you take objection to any other of the books circulated in the prison?—I take objection to all of them.

2390. They were books which you could not conscientiously allow your flock to read?—They are books published by the Religious Tract Society, and of course they are in their tone altogether Protestant.

2391. They were books of a religious character connected with the Protestant mode of worship?—Yes.

2392. *Chairman.*] You mentioned those books in particular as an instance of the general tone of the books supplied to the prison?—Exactly.

2393. You were asked whether the Protestants have service twice on Sundays?—Yes.

2394. Do you know the accommodation of the Protestant chapel?—I have never been inside it.

2395. Is it sufficiently large for the number of prisoners?—Quite so.

2396. The number of prisoners in July was 461; do you know whether it is sufficiently large to accommodate all that number at one time?—I believe so.

2397. With reference to the Catholic service on Sunday, although the authorities would not pay the chaplain, were not you determined that, if the authorities allowed service on Sundays under any circumstances, the Catholic prisoners should have it?—Yes.

2398. At whosoever cost it might be, you would have had an assistant, and the prisoners would have had a service if you had been allowed to hold it?—If I had been allowed, most certainly they would.

2399. But at the same time it is not fair to ask the Catholics comprising your congregation to pay for the services of the Catholic clergyman attending the Catholic prisoners?—Certainly not.

Monday, 2nd May 1870.

MEMBERS PRESENT:

Mr. Dimsdale.
Mr. Downing.
Viscount Enfield.
Mr. Arthur Guest.
Lord Henley.
Mr. Knatchbull-Hugessen.
Mr. Maguire.
Mr. Matthews.
Mr. O'Reilly.
Sir John Pakington.
Lord Pelham.
Mr. Synan.
Mr. John Talbot.
Sir John Trelawny.
Mr. Walpole.

JOHN FRANCIS MAGUIRE, Esq., in the Chair.

Mr. Alderman JOHN CARTER, called in; and Examined.

Mr. Alderman *J. Carter.*

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2400. *Chairman.*] You are a Member of the Corporation of the City of London, are you not?—I am an Alderman of the City of London.

2401. And as such I think you have control over the gaol at Holloway?—The control over all the City gaols.

2402. Is the management of those gaols entrusted to a committee, or how is it vested?—In a committee.

2403. Are you one of that committee?—It is a general committee; each of the aldermen is on the gaol committee.

2404. Do you know that there are Catholic prisoners in that gaol?—Yes.

2405. Do you know how many there were on the 20th of July 1869?—No, I cannot remember; I can tell you how many were there on Saturday last.

2406. How many?—I think we had 37 males, and six females.

2407. Are you not surprised to learn that the number in the prison on the 20th of July 1869 was 41 males and 15 females?—That must have been an accidental number, I suppose.

2408. The number fluctuates very much, sometimes more and sometimes less?—Yes, the number fluctuates considerably.

2409. Is there ever a larger number of the Catholic prisoners than 56?—I think not.

2410. I suppose I need scarcely ask you whether you have a Protestant chaplain?—We have.

2411. He is fairly paid, I suppose?—Yes.

2412. What is his remuneration?—I think it is 200*l.* a year.

2413. Would you think that this return is correct when it states that he receives 350*l.* per annum, with house, fuel, and light?—Really at this moment I cannot say whether it is 200*l.*, or 300*l.*, or 350*l.*

2414. With those other advantages?—He has the advantage of a house, I believe; he is a resident, I know.

2415. Are you of opinion that his services are very valuable to the prisoners?—We hope so.

2416. You are not one of those who object to spiritual ministration in a prison?—Quite the contrary; I think it is necessary that those men, although in confinement, should have spiritua consolation.

2417. Would you make any distinction be tween one class of Her Majesty's subjects an another?—I think we should; we have a chap lain there, and we cannot afford, I think, to plac another chaplain there; if we did there woul be no saying how many chaplains might be re quired there.

2418. You cannot afford it?—We do no choose to afford it.

2419. Let me understand which way you pu it, whether you cannot, or do not choose to affor it?—I will put it in this way, that we do no choose to afford it.

2420. Then you abandon the plea of poverty —Most certainly; yes.

2421. Then it is that you do not choose t afford it?—Certainly.

2422. You think it is advantageous and righ that although these people are in prison, yo should afford them the benefit of spiritual minis tration?—Doubtless.

2423. Do you afford that spiritual ministratio fully to the Catholic inmates of the gaol?—Ye

2424. You afford it fully?—The Catholi priest has full permission to go to the priso twice a week.

2425. How often is the Protestant chaplai there?—He is constantly there by reason of hi dwelling there.

2426. You have Divine service on Sunda have you not?—Yes.

2427. If I mistake not, you have it twice o Sunday, morning and evening?—Yes.

2428. That, according to your idea, is spiritu ministration and consolation?—Yes.

2429. What is the liberty given to the Catholi visiting priest; how many times does he go t the prison?—I think he is there Mondays an Tuesdays.

2430. Is there Divine service on Sunday f the Catholics?—I think not.

2431. Do you think not, or do you know not —I know there is not; I do not think that th Roman Catholic priest is there upon the Sunda

2432. I wish to be quite clear upon the poin as you are an authority upon the subject; as matt

matter of fact then, there is no divine service for he Catholics on Sunday?—I do not think there s.

2433. Do you think there is not, or do you know there is not?—I really could not answer hat question; if I had known a little earlier hat I should have been required to give evidence efore this Committee, I would have informed myself upon these points.

2434. Was there ever an application from the Roman Catholic visiting priest to have Catholic worship upon the Sunday?— Some time ago a erson of the name of Keens, I think, who is the riest who visits the gaol, made such an applica- on.

2435. What do you mean by a "person," do ou mean a professional gentleman?—He is a riest of the Roman Catholic persuasion.

2436. Before we go a little further, I might uietly ask you whether you know that a priest the Roman Catholic persuasion receives the lucation of a gentleman?—I do not think it is ways the case.

2437. You do not think he does?—I do not ink he always does.

2438. Do you not think he is entitled to be lled a gentleman, instead of a "person"?—I not know that he is.

2439. Would you describe a shopkeeper in e City of London as a "person"?—I think I ould.

2440. A respectable tradesman?—Yes.

2441. What profession are you?—I am a ronometer maker to the Royal Navy.

2442. That is, a watchmaker by another name? Exactly.

2443. Do you think it would be right for a ntleman to address yourself by the term, a erson"?— I should be independent of any- ng of that kind.

2444. Do you think that that is a courteous y to speak of a gentleman?—That is quite a tter of opinion.

2445. There was an application some time ce made by this "person," who happens to be my religion?—Yes.

2446. This person made that application some e since, was that application couched in ensive language?—Really I forget now; it is ne months since that application was made to

2447. I believe it was in the early part of last r?—I forget when it was.

2448. Permit me first to bring it to your ollection; did that application come before the ard of Aldermen?— It came before the Court Aldermen.

2449. Was that application the subject of cussion?—It was.

2450. Did you take part in that discussion?— , slightly.

2451. You expressed your opinion upon that sion?—Yes, I did.

2452. Therefore, can you not inform the Com- tee whether the application then made to you couched in respectful language, or whether as addressed in such language as deserved uke upon the part of the aldermen?—I can- answer that question.

2453. As this is a matter of some little im- ance I will read you the letter, it is dated 3rd of December 1868, and addressed to the ernor of the prison; I suppose you consider application addressed to the governor of the on as addressed to the authorities?—Not 60. exactly; the governor may place it before us for our approval or otherwise.

2454. But it was addressed, I suppose, to the authorities?—It was addressed to the governor of the gaol, and the governor would present it to the Court of Aldermen.

2455. This is the letter: "Having ascertained, on the best authority, that in the Government prisons complete liberty of religion is allowed to Roman Catholic prisoners, and that the Roman Catholic chaplain is permitted to stand in precisely the same relation towards them that the Protestant chaplain stands towards the Protestant prisoners, I desire, with all respect, to make the following requests with regard to my ministrations in the City Prison, Upper Holloway; 1st, Access to the Creed Register; 2nd, Power of giving evidence with regard to the religion of such prisoners as, being actually registered as Protestant, desire to be entered as Roman Catholics; 3rd, Power of assembling for Divine service in the morning and evening on Sundays and holidays; 4th, Free access to the cells of all those who are registered as Roman Catholics. Waiting your kind reply, believe me, in Christ, yours very respectfully, *C. J. Keens*;" may I ask you is there anything in that letter inconsistent either with the character or the education of a gentleman? —I find no fault with it at the present time.

2456. Do you now think that the application as I have read it was such as a gentleman ought to present to gentlemen?—You see we had never had these applications before; we have had Roman Catholic priests in the gaol before this Mr. Keens, and we have never had any difficulty whatever. We do not coerce your Roman Catholic prisoners; we are anxious that their creed should be carried out to their own liking; we do not wish to interfere with it at all.

2457. That is the very point I want to come to; but, first of all, was there anything disrespectful in that letter? Is there anything in it which should hurt the susceptibilities of men of ordinary feelings?—I do not say that there is.

2458. I want you to explain that, because certain words are attributed to you in the public journals. I want to know whether you will acknowledge that?—I repudiate nothing I have said.

2459. I want you to explain what you stated then. "Alderman Carter seconded the motion with great pleasure. If they once gave this man free ingress to the prison, the next thing would be that he would come before the court and not only ask, but through his friends demand, a salary, and there would be a repetition of what was now taking place in the county. The priest had already every opportunity of seeing the unfortunate people who were in the prison, and he could see them as they pleased, and minister to them as they pleased; and forsooth, they must find a room for him in which to decorate an altar! Presently he (Mr. Alderman Carter) should ask himself whether he was in France, Spain, or England. He was afraid the time must soon come when these gentlemen must be taught that they could not come before the court with such assurance, nay, impertinence, as was shown in this letter." First of all, you do not repudiate that report?—Not a word of it.

2460. You are quite proud of them, perhaps? —I am not proud of them, but I am prepared to justify them.

2461. What was there in this letter to justify

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such assertions as those?—There was that which at that time I was disposed to treat in that way, and I am not sorry for doing so, for since that time I have received the most indecent and insolent letters signed by this, that, and the other party connected with this body, I suppose, and with I do not know who.

2462. We are not speaking of anything that happened afterwards; but what was there in that letter that justified you in using this very strong language at that moment?—I should be very sorry to say anything that was offensive, but if you ask me such a close question I must answer it; I must say, that as we are not a Roman Catholic country, I consider you are asking too much.

2463. I suppose you know, as a mere matter of statistical fact, that there happens to be in the British dominions about 8,000,000 of Roman Catholics?—I do not care how many there are.

2464. But do you know that?—I learn that from the statistics.

2465. And do you learn that, according to the law, they stand upon an equality, even with an alderman of the city of London?—They may; I do not know that they stand upon an equality with an alderman; they may as regards their creed, but I do not know what an alderman has to do with a Roman Catholic.

2466. Do not you know that there are Catholic aldermen as well as Protestant aldermen, and that there are Catholics in the Army and Catholics in the Navy; that they are the Queen's subjects, and pay taxes the same as any other persons?—No doubt they do.

2467. Tell me, therefore, why it is an impertinent thing on the part of a Roman Catholic priest to ask permission to do that which you say is essential to the religious instruction of the prisoners upon the Sunday?—I do not refuse him permission.

2468. Did you, as one individual, take with others a course which prevented its being acceded to?—I would not encourage the priests' visits too much, as I think that it would interfere very much with the economy of the country and the convenience of the prison. What right have we to prohibit a Dissenter of any denomination if we give facilities to the Roman Catholic?

2469. Will you explain how the comfort or economy of the prison would be interfered with in any way by Roman Catholic clergymen being allowed to hold Divine worship (in plain words, mass) upon the Sunday?—I do not know that it would interfere so much upon the Sunday, but I believe the priest required it upon the other days of the week, and that would be very inconvenient. I would never suffer a prisoner to be taken off the "wheel," when he is sentenced to hard labour, in order to visit a Roman Catholic or any other priest, I do not care who he was.

2470. I am asking you as to application No. 3, "Power of assembling for Divine service in the morning and evening on Sundays and holidays." In what way would it interfere with the comfort and economy of the prison to accede to that request?—On the Sunday I do not see that it could.

2471. Was not he refused permission to have Divine service on the Sunday?—I think he was. I think there was some demand made for a salary by this priest.

2472. Was an application made for a salary?—I was given to understand that there was an insinuation made about salary, and that there should be a room fitted up for his convenience.

2473. How was that insinuation couched or expressed?—I do not remember.

2474. It is some idea that you have now, is it?—No, I was satisfied of it at the time.

2475. Was the application for a salary, or for permission to hold service?—For permission to hold service; but I believe we had reason to expect what would come afterwards.

2476. At any rate, permission was not given?—Certainly not.

2477. As a matter of fact, one class of Her Majesty's subjects are treated differently in prison from others?—I do not see that they are; they have their religious instructor, Mr. Keens.

2478. But on Sundays they have not?—I think not on Sundays.

2479. Is not Sunday the most solemn day of all, and the day upon which they should offer up prayer and thanks to God for his assistance?—No doubt.

2480. If there be any day of the week out of the seven when Christians ought to kneel in church, it is on that day?—It is so.

2481. Are the Catholics allowed that privilege in Holloway Prison?—I think not.

2482. In fact, you know not?—I think they are not.

2483. Is it not the fact that, owing to the monotony and irksomeness of the tenancy of the cell, the Catholic prisoners being otherwise compelled to remain in the gaol, are very glad to go to the Protestant worship on the Sunday?—Some of them do, but in a very small ratio.

2484. The inducement to do so is very strong, is it not?—You put it in this way, if I understand you rightly, that they would go to the chapel merely to afford a little relief to the monotony of their imprisonment. I consider that as their priest sees them on the Monday and sees them again on the Tuesday, that ought to be sufficient.

2485. The Protestant chaplain sees the Protestant prisoners every day in the week, does he not?—Yes; but you will, of course, remember we are a Protestant country, and we do not ask the Catholics to come here; and if they will go into our prisons they should, in my opinion, receive punishment.

2486. Have not there been Roman Catholics in this country for hundreds and hundreds of years?—No doubt. In early times we were all Catholics; but we have since seen the error of our ways.

2487. I will not ask you any theological question; but the fact is, that you do not allow to the Catholics, for certain reasons of your own, the same liberty that you do allow to others?—We have but 37 or 40 Catholics altogether in the prison.

2488. You had 56 according to the late return?—The returns on Saturday were 37 men and six women, that is within 48 hours. I was at the prison and saw the report.

2489. Mr. *Guest.*] What would be about the average?—About 45, I think; I only obtained my summons to appear before this honourable Committee about five o'clock on Saturday, and have not had an opportunity of refreshing my memory upon many points upon which my evidence is required.

2490. *Chairman.*] At any rate you do not place the Roman Catholics upon the same footing?

oting?—We have no Roman Catholic priest ermanently attached to the establishment, ex- pt this Mr. Keens, who visits there.

2491. I think, if I understand you rightly, one your objections would be, if you paid the atholic clergyman or gave him the full per- ission which he desired, you would have to ve it to all Dissenters?—I think very likely ey would claim it, and with as much reason.

2492. With reference to the mere fact, do you t know that Dissenters receive, without any jection, the ministrations of a Protestant ergyman?—They are quite at liberty to do so.

2493. Is it not the fact?—I am not aware it.

2494. Have any complaints been brought to u on the part of dissenting prisoners of their willingness to receive the ministrations of the rotestant chaplain?—No; but I have had com- aints of prisoners requesting not to be troubled ith the Roman Catholic priest, although they ere Roman Catholics.

2495. That is not quite an answer to the ques- n I asked you?—I think it is.

2496. No; I am speaking of Protestant issenters. Have you ever heard of any com- aints on the part of Protestant Dissenters of eir not having the services of a clergyman of eir own immediate denomination?—I have t.

2497. On the other hand, has it ever come to ur knowledge that Catholics are bound not attend the Protestant service?—That I believe be the fact.

2498. Therefore there is no analogy or parity the case of Protestant Dissenters and Roman atholics?—I think there is.

2499. How can there be?—A dissenting nister has very different opinions from what we the Church of England may possess.

2500. Have you not just told the Committee t you never had any complaint on the part of risoner of any Protestant dissenting denomina- n being compelled to attend the service and nistration of the Protestant chaplain?—No, I not remember that I have; but that is simply cause the clergymen of the various denomina- ns are less pushing men, and less interested, rhaps, in giving trouble, than the Roman Ca- olic priest is.

2501. The simple fact is, that you have had no ection on the part of Protestant dissenting soners to receive the ministrations of the Pro- tant chaplain?—I do not remember that we e.

2502. You say that you know as a fact that Catholic cannot conscientiously receive the nistrations of a Protestant clergyman; you ow that as a fact?—They say so.

2503. You admit that that is the case?—I know nerely from their assertion.

2504. Therefore are not Catholic prisoners ced at a disadvantage as regards other Dissen- s?—I only regret that we have Catholics in prison at all.

2505 So do I; but you know that you have arge number of Catholic poor in London?— ere are a large number.

2506. People who are engaged in rough labour? Yes.

2507. In poverty?—Yes.

2508. And liable to temptation?—Yes.

2509. Would it not be well to try and make ne effort to reform them?—I think they are 0.60.

reformed by charitable contributions in the City of London to a large amount.

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2510. But with reference to spiritual ministration, if there be any truth in religion, do you not think that it would be well to give them moral instruction?—Yes; but Mr. Keens is there on Mondays and Tuesdays, and he is there at the extreme but a couple of hours at any time.

2511. Is he allowed to be there oftener?—He might if he liked come there oftener.

2512. Do you know as a fact of your own knowledge that he has free permission to go there?—If he does not interfere with the economy of the gaol, and the convenience of the men in it.

2513 Will you explain that a little more clearly?—It is possible that he may arrive there at inconvenient hours.

2514. But he is not allowed to go there on Sundays?—I think he is not there on Sundays.

2515. Now suppose we approach this desperate question of the salary; is not the labourer worthy of his hire?—No doubt of it; Scripture tells us so, and we know it.

2516. Might you not apply that principle more widely, and say that we should pay the Roman Catholic labourer?—I have no objection to the Roman Catholic labourer being paid; only let the Roman Catholics pay him.

2517. You would not have the Roman Catholics pay for a service done to the City of London?—It is not a service done to the City of London.

2518. Is the chaplain paid by the City of London?—Yes, he is paid by the City of London.

2519. What do you pay him for?—For services rendered to the prison.

2520. I think he is decidedly entitled to payment?—And I consider your Roman Catholic priest to be so also, but you should pay him.

2521. With reference to the authorities, who pays the Protestant chaplain?—We pay him from the City purse.

2522. For services rendered to Protestant prisoners?—Doubtless.

2523. Then, on the same principle, why should not the same City purse be called upon for the same object with reference to the Roman Catholic prisoners?—I cannot agree with you in that respect.

2524. Would you have had any objection, may I ask, that the application made by Mr. Keens so long a time since, should now be complied with?—I should like to review the whole of the proceedings before I gave a positive answer to that question.

2525. What proceedings?—The proceedings in the Court of Aldermen.

2526. I think I can give that information?—I should rather be excused from giving a positive answer.

2527. We had the statement made here, that this was the answer to Mr. Keens communication, and that beyond that there has been nothing done up to this present moment. I will read it: "Sir, I am directed by the gaol committee of alderman to inform you that your letter to the governor of the City Prison, Holloway, relative to your ministration in that prison has been laid before them, and is now under their consideration. I remain, Sir, your obedient servant, *F. Woodthorpe.*" Since that, there has been no answer whatever?—I believe not, because his letter was ordered to lie on the table.

2528. And there have been no proceedings; there

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there has been nothing done but sending that reply; that is the last communication upon the subject?—I do not remember; there may have been some step taken. I do not attend every Court of Aldermen.

2529. Is it your opinion that you are bound by law to give the visiting priest access to the Creed Register?—It is not the law.

2530. Has he got that access?—That I do not know indeed.

2531. Would you have any objection that he should be allowed free access to the Creed Register?—You must excuse me as an individual member of the Court of Aldermen from giving an opinion upon that point. When we meet together, and I place this investigation as far as I can before them, I shall be able to speak upon that point with greater certainty.

2532. Mr. *O'Reilly.*] You are a member of the gaol committee?—Yes.

2533. Am I right in my understanding of your answer to the question of the honourable Chairman that this report in the "City Press" of what you said at the Court of Aldermen is correct?—Yes, I think so.

2534. I see in what you stated then you objected to the application of the Roman Catholic priest, Mr. Keens, in that letter which has just been read; the first objection I take it that you made was this, you said that the priest asked for free access to the Creed Register, that was access to the name of every prisoner, and power to register as Roman Catholics those entered as Protestants when the prisoners desired it; would you point out to the Committee what you considered as an application in that letter for him to register as Roman Catholics those entered as Protestants?—When prisoners are brought into the gaol after commitment from either the magistrates or the criminal court, they are asked their religious creed. If they are Roman Catholics, they have the advantage of their Roman Catholic pastor; if they are Protestants, they have the chaplain's aid and assistance, and, therefore, I thought, and think now, that there was no necessity for Mr. Keens to interfere with our records.

2535. I must repeat my question; would you point out to the Committee what you considered as an application in that letter for the priest to register as Roman Catholics those entered as Protestants?—It is stated here, "Power of giving evidence with regard to the religion of such prisoners."

2536. That is your answer?—Yes.

2537. Then, am I right in saying, that what you meant by saying that he applied for power to register Protestants as Catholics, was power to bring evidence before the authorities to show that they were Roman Catholics?—It might be so; there is no difficulty about it.

2538. In your observations upon this 23rd of January, you objected to the Roman Catholic priest having access to the Creed Register?—I think I did.

2539. And you now state that you are aware that you are bound by law to give him access to it; may I ask why you objected to do that which you are bound by law to do?—He has the opportunity afforded him of knowing who are Roman Catholics and who are Protestants; they are registered by the governor of Holloway gaol when they are brought there, and there is no objection to the Roman Catholic priest seeing that register.

2540. Am I to understand your last answer to be the answer that you wish to give to my question, why you objected, on the 23rd of January 1869, to doing that, namely, allowing the priest to have access to the Creed Register, which you are bound by law to afford him?—I have no objection to the priest having access to it under surveillance.

2541. My question is, why did you object to allow the priest to have access to the Creed Register, when you knew that by law you were bound to afford him such access?—My impression was that we were at liberty to withhold it, and as one of the Court of Aldermen I was right in giving expression to my opinion, and have since learned we are right in so doing.

2542. Do you think you were justified in refusing to do that which you state you were bound by law to do?—I think we met the law by giving the Catholic priest the opportunity of seeing the list which the governor was prepared to show him. Whenever prisoners are brought to the gaol their religious creed is taken down by him and by the chaplain, and Mr. Keens might have learnt from that whether the prisoners were Roman Catholics or Protestants.

2543. I see that you then made this observation: "Then what business has the Romish Archbishop to appoint a chaplain to our gaol?" Now, I do not mean to say that he has any business to do so, but I want to know what right have you to say that he was appointed by the Romish Archbishop?—I understood that he was appointed by the archbishop as chaplain to the gaol.

2344. What was your authority for saying that he was appointed bythe archbishop as chaplain to the gaol?—I cannot recollect now; I only received my information to attend this Committee on Saturday evening, and I cannot retain a recollection of all that passed at the Court of Aldermen, or what induced me to express those opinions which I now retain to some extent.

2545. Could you state to the Committee whether there was anything upon which you founded that opinion; was it something in writing, or what?—I had reason to believe that I had good grounds for doing so at the time.

2546. But at present you cannot give any grounds for that statement?—I do not remember what it was, now.

2547. Then I see you observe that you, "the magistrates, had no right to inflict additional punishment upon them" (the prisoners) "by obliging them to see the priest;" may I ask what you referred in that statement?—Many of the prisoners will not see the priest, and, therefore, we were not bound to compel them to do so.

2548. Were you asked to compel any prisoner to see the priest who objected to do so?—No.

2549. What was the pertinence of saying that you would not do that which nobody had asked you to do?—Simply because it was possible that we might be asked to do such a thing.

2550. Will you be kind enough to state to the Committee the reason which induced you to state that you considered the letter which you have in your hands was a most improper one?—I think I have answered that question before. I considered that it was improper; we are essentially and virtually a Protestant community, and the City of London more particularly, and I am not particularly anxious to see it otherwise than

erefore I shall do all I possibly can to prevent y change being made in the religious creed of y fellow-citizens.

2551. That was the reason which induced you think that an improper letter?—It was.

2552. You gave it as your opinion that this is a Protestant country, and that we (the Protestants, I presume you meant) did not ask the atholics to come here. May I ask whether u consider the English Catholics, who have en in England for some hundreds of years with- t changing their religion at all, require an in- tation to come here?—Not at all; they may me if they please.

2553. Do you consider that many of the great oman Catholic families came to England; take e case of the Howards and the Cliffords, and ny other noble families?—No; they have en here many hundreds of years, and so let em remain, but let them keep their creed to emselves; I keep mine to myself.

2554. Are there any Catholic ratepayers in e City of London?—I presume so, but I do t ask a man his creed.

2555. If there are Roman Catholic ratepayers the City of London, they, I presume, contri- ite towards the City purse, do they not?—The ole expenses of our prisons is paid from City sh; that is, the property of the City proper.

2556-9. But a portion of that would be paid the Roman Catholic ratepayers?—The rate- yers do not contribute to prison charges.

2560. You stated to the Committee that the iest has leave to visit the gaol oftener and on her days than he does; is that statement accu- te to your knowledge?—I do not think if there is a necessity for his attending a Roman atholic prisoner his visit would be objected to. n the case of a man wanting extreme unction or ything of that sort, the priest would be lmitted, of course.

2561. Do you mean that he is free to attend e prisoners on other days in the week, and that objection would be made if a prisoner in ex- eme illness wished to see the priest?—Yes; at is what I meant.

2562. Did you mean nothing more?—No; I not think I did.

2563. Then you do not mean the Committee understand that he would be permitted to visit e prison to a greater extent under ordinary cir- mstances?—There are but a few Roman atholic prisoners; about 44 male and female pri- ners; that is what I was told on Saturday st.

2564. What I wanted to know was, whether e is or is not at liberty to visit the ordinary risoners in the gaol more frequently than he oes?—I really can hardly answer that question; know that there are two days in the week lotted to him, and he selects, I think, Monday nd Tuesday for that purpose.

2565. Does not that imply that he has not ore than two days in the week allotted to him?-Except under extreme pressure: if an indi- dual was seriously ill it would be cruel and icked of us to refuse him admission.

2566. You stated to the Committee that a very nall number of Roman Catholic prisoners at- nd the Protestant service; can you tell what is e number or proportion?—Yes, I can; I think, esterday, out of six females two attended, and t of 37 male prisoners, I think 14 attended.

2567. Do you know whether that is the ordinary proportion?—I am sure I cannot say; I am not prepared to answer that question.

2568. Then am I to understand that your answer applies simply to last Sunday; you do not know whether a larger or a smaller number attend on ordinary occasions?—I believe it is about the average.

2569. You stated that there was some application made for a salary for the Roman Catholic priest; do you know whether any application was made?—As I said before, it is now a year and a quarter since the letter was written, and really my memory does not serve me at this time. I know I felt, at the time, that which I expressed, however inconvenient or unpleasant it might be to gentlemen of the contrary creed.

2570. At the same time you are not prepared to say that any application was made for a salary for the Roman Catholic priest?—I cannot remember.

2571. You also said, "That some insinuation was made to me with regard to a salary"?—Yes, I am pretty sure there was.

2572. Can you say by whom?—At this time I cannot.

2573. There were four applications in the letter which came before you, on the part of the Roman Catholic priest, one was, "Access to the Creed Register;" that we have disposed of. The second was, "Power of giving evidence," that is disposed of; and the third was, "Power of assembling for Divine service, in the morning and evening, on Sundays and holidays;" do I understand you to say that you objected to that part of the application being granted?—That is a question which, I think, is more particularly adapted for our own determination as a committee of aldermen; I can hardly, I think, fairly reply to that question.

2574. The question I asked was, whether, when you spoke upon this subject, on the 23rd of January, you objected to that application or not; you may decline answering the question, if you like?—I do not remember; I cannot answer that question; it is impossible for me to detail every circumstance that occurred 15 months ago.

2575. Have you any objection to say whether you consider it undesirable now that Roman Catholics should be allowed to hold such service on Sundays?—I can hardly give a definite answer to that question, for I should be binding my brother aldermen to that which they might not approve of.

2576. You are aware, of course, that this letter of December 3rd, 1868 was brought before the gaol committee, of which you are a member?—There is just the possibility that I might not have been present at that meeting of the gaol committee.

2577. You were aware of it afterwards?—I must have been aware of it.

2578. Can you answer to the fact that no answer has ever been given from that day to this by your committee?—I cannot undertake to say that.

2579. Mr. *Matthews.*] I understand that the Court of Aldermen did upon deliberation determine not to allow Divine service for the Catholics in Holloway Prison?—Yes, I think that was so.

2580. Upon what ground?—I can hardly give you the grounds at this late period, but I presume it was upon the same as actuated myself. We have a Protestant chaplain, and we did not deem it

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it needful that we should have a Roman Catholic chaplain likewise in the prison.

2581. I am not asking you with reference to having a Roman Catholic chaplain, but upon what grounds the Court of Aldermen determined that the Roman Catholic prisoners should not have Divine service on Sundays when the priest was willing to perform it for them?—That is a question that I cannot go into now, simply because the time that has elapsed is considerable, and I forget the discussion that took place at the time.

2582. It was only last year?—It was the beginning of last year.

2583. You have forgotten upon what grounds the court proceeded?—I have not had an opportunity of refreshing my memory with regard to those points.

2584. I understand that you decline to give any opinion yourself now, with reference to whether that liberty ought to be granted to the Roman Catholic prisoners?—Yes, I do.

2585. Of the two women and 14 men who attended the Protestant Church yesterday, could you say whether any had been visited by the Roman Catholic priest, Mr. Keens?—I do not know; it is quite impossible for me to say; I am not the gaoler.

2586. Mr. *Synan.*] You have professed yourself to be a friend to what you call religious liberty. I think you stated that all people should keep their creed to themselves?—What I meant by that observation was simply this, that I do not choose to have any creed contrary to my own forced upon me.

2587. Do you think it right that any creed should be forced by you upon another contrary to the creed he professes?—Certainly not; neither would I permit it.

2588. Do you think that the refusal of you, and your brother Aldermen, who are the governors of this gaol, to give religious liberty in that institution to the Catholic prisoner is a forcing of your creed upon them?—Certainly not.

2589. You do not think it is forcing your creed upon them?—We do not attempt it; we do not proselytise at all.

2590. Supposing, under similar circumstances, a Catholic governor refused to Protestant prisoners a service upon the Sunday, and on that account some of those Protestant prisoners went to the Catholic worship in the prison, would you think that a forcing of the Catholic creed upon the Protestant prisoners?—But that is hypothetical altogether.

2591. Cannot you answer it?—It answers itself.

2592. Would you condemn it?—I would not allow any creed to be forced upon the Roman Catholics, neither would I force the Roman Catholic creed upon Protestants.

2593. In the hypothetical case which I have put, would you condemn the act of the Catholic governor?—But we have no Catholic governors.

2594. I am putting a hypothetical case; I am supposing a Catholic country?—But we are not in a Catholic country, we are Protestants.

2595. Is Protestantism less favourable to religious liberty than Catholicity?—No; I think more so.

2596. Then if Protestantism refuses liberty in a prison——?—We do not refuse it.

2597. Do you refuse religious liberty upon the Sunday?—I do not know that the priest attends there on the Sunday; but if the prisoners wished it I have no doubt he might attend there upon the Sunday.

2598. This is a clause in the letter of the priest, "Power of assembling for Divine service in the morning and evening on Sundays and holidays," did you refuse that application?—I did, and should do so again.

2599. Did you call it an impertinent application?—I daresay I did.

2600. Suppose that in a Catholic prison?—But it is no use supposing that; we have no Catholic prisons here.

2601. Are there Catholic prisons anywhere?—I have no doubt there are Catholic prisons in Ireland or in Rome.

2602. Supposing a Catholic alderman in Ireland, a member of the gaol committee, had refused an application of that kind from the Protestant minister in the Irish gaol, what would be your opinion of that?—I do not think it very likely to occur.

2603. What would be your opinion of it if it did occur?—I say again it is not likely to occur.

2604. I must repeat my question: what would be your opinion of it if it did occur?—I consider that I am not bound to answer that question.

2605. You say your gaol is supported by what you call a City purse, and by rates?—Not by rates.

2606. What is the City purse composed of?—Of funds arising from City properties.

2607. Where does it come from?—From estates.

2608. What estates?—I cannot go into the particulars of them.

2609. Do you not know what your own property is?—Yes; if you come to the Guildhall we shall be happy to tell you all about it.

2610. Is not some of it Irish property?—Yes it is.

2611. Do you know that some of that property was the property of Catholics?—The whole of the funds derivable from property left us in Ireland, is dispensed in Ireland, and not in England.

2612. I do not want at all to interfere with your application of it?—I can only tell you how it is applied, we do not get the benefit of it in the City.

2613. Is any of your property composed of Catholic bequests made centuries ago?—I do not know.

2614. Will you say it is not?—I say that which I have said before, namely, that the properties which we hold in Ireland, we derive no absolute benefit from.

2615. Was not some of your property derived from Catholic bequests?—I do not know whether there were any Catholic bequests.

2616. Were there not centuries ago?—That is beyond my memory.

2617. Do you know what the character of the property is?—We have large properties; I cannot enumerate the character of either or of all of them.

2618. You cannot trace your property back?—We have our title-deeds, and are going to keep them.

2619. If some of those title-deeds showed that they came from Catholic bequests, what would you say then?—As I said, we were once all Catholics.

2620. I think you stated that you would le
th

ıe Catholics pay for themselves?—Yes, I think

2621. Is that upon the principle of voluntary-
m?—If you like; it must be voluntary.

2622. I am asking you what you like?—I can-
ɔt compel them.

2623. Is it because you are a friend of the
ɔluntary principle that you make that state-
ent?—I think the Roman Catholics in England
ght to be enabled to pay for their Roman Ca-
olic clergy, and especially in our prisons.

2624. Do you think that a Roman Catholic
isoner in one of your prisons ought to pay for
s clergyman?—No, they cannot afford it; but
e Roman Catholic population ought to do so;
ɔu are rich enough.

2625. The Roman Catholic population outside
e prison ought, by voluntary contributions, to
ɔpport the priests in the gaols, and supply the
isoners with Catholic instruction and Catholic
orship; that is your opinion?—Yes, certainly.

2626. Would not the same principle apply to
e Protestants outside the prison?—It does.

2627. Out of what funds are they paid?—Out
our own funds we pay our chaplain.

2628-9. By voluntary contribution?—No, out
funds at the disposal of the City for that pur-
ɔse.

2630. And has not some of this property, as
ɔu have stated, already come from Catholic
urces?—I do not know that.

2631. You do not deny that?—I do not affirm
; there would be a difficulty in saying what
e creed of the parties was who left us the
operty.

2632. Then, when you state that the Catholics
ght, by the voluntary contributions of those
tside, to supply religious instruction to pri-
ners inside the gaols, you would apply the
luntary principle to the Catholics alone?—I
ɔuld support the Protestant chaplain by giving
m an income, but I am not disposed to sup-
rt the Roman Catholic priests by giving them
laries.

2633. You state that the holding of a religious
rvice upon the Sunday would be less troublesome
the authorities of the prison than it would be
week days?—I should fancy so; but I do not
ve that as an authority; I merely suppose so.

2634. Would not that be a reason for permit-
ıg the Roman Catholic priest to give his atten-
nce and services upon the Sunday?—It might

2635. And if it was a reason in favour of
anting the application, will you explain to the
ɔmmittee why the application was refused?—
was refused, and will be refused.

2636. That is all you can say?—That is all I
n say upon the subject.

2637. You stated, I think, in reply to a ques-
ɔn with reference to why you made that answer,
d why you made that speech, that it was be-
use it was possible that the priest might ask
more?—He might have asked for that which
e should not feel disposed to give.

2638. Then it was not in consequence of the
plication which he made, and the letter he
ote to you, that you sent him this answer con-
ued in these minutes, or that you made that
eech, but in order to prevent him from apply-
g for anything further?—We are quite sure
at if we had granted the request of the Romish
iest for the prison at Holloway, the citizens
would have been generally very much offended with it.

2639. Then you refused him what was legal?—We have not refused him what was legal; he had the opportunity of seeing the lists by courtesy.

2640. Were you bound by law to give him access to the register?—He has the opportunity of seeing who are Roman Catholics, and who are Protestants.

2641. Are you bound by law to give the priest access to the register?—I answered that that was the law, but I am afraid that I have gone rather too far; we are not bound by law; when prisoners are brought into the gaol at Holloway they are questioned as to their religious creed, and in my opinion very rightly so; if the prisoner is a Protestant the Protestant clergyman attends him; if he is a Roman Catholic the Roman Catholic priest has an opportunity of seeing him, and I daresay of consoling him as far as he possibly can. A day or two since there was a Roman Catholic who came to the prison, and he told me himself, "I do not want the priest; the priest wants me to confess; I do not choose to confess, for I believe that no man on earth can possibly forgive me my sins."

2642. Will you answer my question; do you keep a Creed Register in your prison?—There is a Creed Register kept.

2643. Do you refuse the Roman Catholic priest access to that register?—I think it was refused.

2644. Was that a refusal of a legal request?—That question I am not prepared to answer; I answered it rather hastily just now, but upon reflection it is not a legal request.

2645. You doubt whether access to the Creed Register is a legal request?—I do.

2646. What is it kept for?—Merely to identify the creed of the various prisoners.

2647. For whom?—For the Government generally, I suppose; in case the Government may require it.

2648. It is not kept for the governor of the prison?—It is kept for all parties concerned.

2649. Has the gaol committee access to it?—Yes.

2650. Has the Protestant chaplain access to it?—Yes.

2651. Has the governor access to it?—Yes.

2652. Why, therefore, is the Catholic priest refused access to it?—Because he is looked upon with——I would rather not answer that question.

2653. Do you think that a refusal to have Catholic worship in your prison on Sunday was in any way, directly or indirectly, the cause of these two female prisoners and 14 male prisoners attending the Protestant service?—No, I cannot say that; I do not know what their feelings were, or what actuated them to go to the Protestant place of worship.

2654. But they had no Roman Catholic place to go to?—I do not know about that.

2655. Have the Catholics a place of worship to go to in your prison?—I am not prepared to say whether the priest is allowed to go there upon the Sunday, but I think not.

2656. Did you not refuse him that liberty?—I think it is very likely we did.

2657. Mr. *Talbot.*] I understand you to say that you do not approve of the Roman Catholic priest being paid a salary out of the rates?—I do not.

2658. Do you see any objection to the Roman

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Catholic priest being admitted into the chapel on Sundays or other days, to hold a service for the Roman Catholic prisoners?—I think it would be almost improper for me individually to give an opinion upon that point.

2659. I do not mean you to bind anybody else, but I want to know your opinion whether you, as one of the governors of the gaol, and the committee managing the affairs of the gaol, consider that there would be anything detrimental to the discipline of the prison in allowing a service to be held on Sundays for the Roman Catholic prisoners in the prison?—I think it is a matter that requires further consideration, so that I should not be at the present moment disposed to reply to that question.

2660. What happens to the Roman Catholic prisoners on the Sunday who do not attend the ordinary chapel if they have no service to go to?—They have their religious books in their cells agreeably to the recommendations of their priest.

2661. But they have no public worship of any sort?—I think not.

2662. Did you ever have any Protestant Dissenters in your gaol?—I should think so, but I do not know.

2663. Supposing there were some, what would be done with them on the Sunday?—They would have the liberty of going to chapel if they thought proper.

2664. But supposing they did not think proper?—There would be no compulsion.

2665. Is it not a rule that all Protestants and Dissenters attend the chapel on Sunday?—No, not all; the rule is that all who are Protestants may attend the Protestant place of worship, but the Roman Catholics are not compelled to attend.

2666. What would happen to a Protestant Dissenter, such as a Unitarian, or a Baptist, or a Quaker, if you had such a prisoner?—I suppose it would be optional with him.

2667. Would access be given to ministers of their denomination on the Sunday?—I think not.

2668. Lord *Henley.*] Would you kindly describe to us the constitution of the court of which you are a member; is it called the Court of Aldermen?—The Gaol Committee of the Court of Aldermen.

2669. Does the Court of Aldermen hold, in the City of London, the same position which the court of quarter sessions holds in the county for governing all local affairs?—We have various committees, and this happens to be one of them.

2670. It is so with quarter sessions also. I want to know how you become a member of the Court of Aldermen itself; is that by election or appointment?—By election by our fellow-citizens.

2671. The same as the town council in other towns, is it not?—No; it is the ratepayers of the ward in which the vacancy occurs who are the electors.

2672. How many wards are there in the City of London?—Twenty-six, I think.

2673. The ratepayers, I presume, are of various denominations in point of religion?—I should think so.

2674. Are there many Roman Catholics amongst them?—Really I could not tell you that.

2675. There are some, I presume?—I should fancy very possibly so.

2676. Are there many Dissenters of various denominations?—Very many.

2677. Does the contest at the election of aldermen turn at all upon religious differences?—Not at all.

2678. Upon political differences?—No.

2679. Upon what grounds does the election generally turn; is it upon personal grounds?—Upon personal grounds.

2680. We may take it that a man is generally elected owing to the position he personally holds in the City of London?—Yes.

2681. Has every ratepayer a vote, however small his rating?—Yes.

2682. You state there are 26 wards; is there an alderman for each elected in this way?—Yes.

2683. Amongst those aldermen are there any Roman Catholics?—I think not; in fact, I know there are not.

2684. Are there any Protestant Dissenters?—Yes, very many.

2685. But the majority of the 26 do you suppose to be members of the Church of England, or not?—I do not think they are; I think the majority is the contrary way.

2686. You think that the majority of the 26 are of various denominations of Protestant Dissenters?—Yes.

2687. Do you not think it possible that amongst a body so composed there may be a somewhat strong animus respecting the Roman Catholics?—I cannot answer for others.

2688. From the experience which we all of us have upon these matters, is it likely that that should be so?—I can hardly believe but that their feelings are certainly somewhat opposed to the Roman Catholic religion.

2689. Do you think that a body so constituted would be quite the right body to decide questions in which Roman Catholics are concerned?—As I said before, we are a Protestant country, and such being the case, we object to the intrusion of the Roman Catholic.

2690. Is that quite fair, do you think?—I do think so.

2691. Mr. *Dimsdale.*] Do you make any difference between the religious status of a Protestant and a Roman Catholic Dissenter?—In what way?

2692. Supposing that they enter themselves one as a Wesleyan and the other as a Catholic both would be attended by a minister of their own persuasion?—I can hardly answer that question. I should have liked the governor of the gaol to have been present, for many questions which have been put to me he would have answered better than myself. The question now put to me is, whether I make any difference between the religious status of the Catholic and the Protestant Dissenter; and I answer, that there must be a difference, as the Roman Catholic has his own priest.

2693. Would not a Dissenter have his own minister if he asked to see him?—He might but I could not answer that question.

2694. You would equally object to the payment of a Dissenting minister or a Roman Catholic minister out of the public funds?—I should equally; there are so few who are recognised as Dissenters in a prison that I think it would be a waste of money and a waste of the minister's time to come there.

2695. You would put the Protestant and the Catholic Dissenter upon the same footing?—No, I am

am speaking now of Protestant Dissenters enerally; the Roman Catholic is in a different ategory from the Protestant Dissenter.

2696. Mr. *Guest.*] You stated that you were t certain that the Roman Catholic priest was gally entitled to access to the creed register; t me read you what the Act of Parliament ys; this is the 26 & 27 Vict. c. 79, s. 4: "The eper, or other person performing the duties of eeper of a prison, on receiving into his custody y prisoner, shall enter his name in a book to be ovided for the purpose, with the addition of the urch or religious persuasion to which the isoner shall declare himself to belong; and the id keeper or other person shall from time to me give to any minister appointed or permitted visit prisoners in the prison a list of the isoners so declared to belong to the Church or rsuasion of such minister, and no such minister all be permitted to attend or visit any prisoner longing to any religious persuasion differing om that to which such minister belongs;" you derstood that?—Yes.

2697. Do you consider, therefore, that the oman Catholic priest is legally entitled to have cess to the creed register itself?—They would ve him a list, I have no doubt.

2698. But do you not consider that he is en- led to have access to the creed register itself? He is not entitled to do so.

2699. Therefore I presume I may take it, hen you say that these words are correctly re- rted in the "City Press," "he was afraid the me would soon come, when these gentlemen ould be taught that they could not come before e court with such assurance, nay impertinence, was shown in this letter," that you considered e impertinence and assurance of that letter as holly arising in respect of that demand for cess to the creed register?—No; there were her details at the time that induced me to hold e opinion which I expressed there.

2700. You stated that you had had complaints the priest's visitation from the Roman Catholic isoners themselves?—Simply in this way: they ated that they did not want to be troubled with em; a few days since a prisoner made that servation to me which I mentioned to the nourable Chairman, and which I should not re about repeating again, as no doubt it is of an fensive character.

2701. Would you mention this as a particular se, or is it of general occurrence?—It is of mmon occurrence, but I will not say it is of neral occurrence.

2702. How did it come to your knowledge; as e of the gaol committee?—Yes.

2703. You did not lead up in conversation to . I suppose?—No, not at all.

2704. Of course you have an intimate ac- aintance with the working and discipline of at prison?—To some extent.

2705. Do you consider it possible to have a rvice for Roman Catholic prisoners on the nday?—That is a question I really can hardly swer for the present; it would require some eat consideration; we must first of all prevent ything like that which might by any chance ke place, namely, a little inconvenience or dis- reement between the two creeds, and I should e to avoid that if possible in the prison.

2706. I ask whether it is possible to have a rvice on the Sunday for the prisoners; what I ean by that is, is it possible to apportion a rtain number of warders to watch those prisoners upon the Sunday; how many warders have you in the prison?—I could not give you any idea of that; this is detail which does not come before the gaol committee.

2707. Do you happen to know whether there is any room in the Holloway Prison where you could accommodate the Roman Catholic prisoners for worship?—The Roman Catholic priest has an opportunity of taking them into a room, and does so at the present time; he does not administer consolation to them in their cells only, but he takes them into a certain room and speaks to them there.

2708. One by one?—That is detail that I cannot speak to.

2709. You know he has that room?—I know there is such a room, for when it is not used by him it is used by us.

2710. Would it accommodate 45 prisoners?—Not conveniently; but they would not be there all at one time; I suppose there would be a division.

2711. Do you state that the Protestant prisoners must or may attend the chapel on Sundays?—It is expected that they attend unless they are indisposed, or some reasonable excuse is alleged for their non-attendance.

2712. They must make some reasonable excuse, otherwise they are expected to attend?—Yes.

2713. And if they do not make a reasonable excuse and do not attend, they are punished for it, I suppose?—I am not prepared to answer that question; I could not say.

2714. During the time that the Protestant prisoners are at service the Roman Catholic prisoners are locked up in their cells, are they not?—I presume they are; but this is a matter of detail which the gaoler is better acquainted with than I am.

2715. Mr. *Knatchbull-Hugessen.*] Practically, you have not paid any very particular attention to the detailed working of the system of your prison?—We have a report every week of the working of the gaol, and we visit it occasionally; two of the aldermen are told off, if I may use the expression, as visiting magistrates for the month, and it is their duty to attend and to hear complaints, and to make any alterations that may be deemed necessary.

2716. Were you, at the time of the refusal of the application by the Roman Catholic priest, acquainted with those things which you now call details, that is to say, the permission or non-permission of the Catholic prisoners to attend Divine worship?—Yes, I was.

2717. You had mastered the subject, I presume, before you gave that refusal?—Yes.

2718. I think I gathered from your evidence that you yourself are a Protestant?—I am.

2719. And it is as a Protestant that you object to pay out of the public funds of that which you consider a "Protestant country" for the ministrations of the Roman Catholic clergyman?—It is.

2720. Could you yourself conscientiously receive the ministrations of a Roman Catholic clergyman?—Oh, dear, no.

2721. Are you then very much surprised that a Roman Catholic prisoner cannot conscientiously receive the ministrations of a Protestant clergyman?—I understand that perfectly.

2722. Is not the object of the visit of the chaplain or the clergyman of any religious persuasion to a prisoner to effect, as far as can be, the reformation and mental improvement of that prisoner?—Let us hope so.

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2723. Is not that the object?—I presume it would have a tendency that way.

2724. That is the object equally of the Protestant and the Catholic?—No doubt it is.

2725. You told us the Protestant chaplain is paid willingly and heartily by the City of London, because his services in that respect are services to the City of London?—That is so; he attends to 300 prisoners, and we have so few of the other denomination.

2726. But in what respect are the ministrations of a Roman Catholic priest tending to the reformation of a Roman Catholic prisoner less services to the City of London or to the community than the ministrations of the Protestant clergyman?—Let us hope that they are equally beneficial, but we have a much larger proportion of Protestant than of Roman Catholic prisoners.

2727. Then you come back to this, that it is a question of quantity, of the amount of labour to be performed, and not the theological objection that you have in view?—There is really very little or no labour for the Roman Catholic priest; for sometimes we have very few Roman Catholics, although we have occasionally as many as 50 or 56.

2728. I may take the average to be about 50; is it your opinion that that number of prisoners is not sufficient to justify the employment of some person to effect, if possible, their reformation?—Such a person is already employed there; he is there two days in the week administering consolation to those who choose to ask him for it.

2729. But the provision for the 300 is provided by the prison authorities, and that provision is refused in the other case by the prison authorities, and only allowed in a limited form when supplied by voluntary efforts; how do you reconcile that?—Because we have so limited a number of Roman Catholic prisoners, happily for them.

2730. It is merely then a question of quantity; if we had 300 Roman Catholic prisoners and 50 Protestants, would the argument be the same in your mind?—I think not; if we had so large a number of Roman Catholics we should really be called upon to do something more than we do at the present time.

2731. You stated just now that the Roman Catholic had the advantage of the aid of his religious pastor, but if he is only allowed to visit him during the week and not upon the day when all Christian bodies are in the habit of meeting together, is not that a great limitation of the advantage?—I think that might be looked to with some degree of advantage.

2732. Do you think that the body of which you are a member would be likely to move in the matter unless the aid of Parliament was invoked?—I am sure they are very anxious to do that which is right.

2733. If they are so anxious to do what is right, is the fact that they have not answered the application of the Roman Catholic priest during the last 15 months owing to the circumstance that your board have been carefully considering the question during the interval?—I should rather suspect that the blame lies with one of the officials in not having answered the letter.

2734. Do you think that the Court of Aldermen gave directions for the letter to be answered?—I am disposed to believe that they must have done so, for it is not usual for us to allow a letter to remain 15 months unanswered.

2735. If you were to give advice upon such a subject you would advise a renewal of that application, and you would feel certain that an answer would be given?—An answer would be given; I have no doubt of that.

2736. The Rev. Mr. Keens informed us that he only saw a list of the Roman Catholic prisoners who had expressed a wish to see the Roman Catholic clergyman. Do you know whether that is or is not the case?—I do not know.

2737. You have no reason to doubt the accuracy of that statement?—Every facility is given to the reverend gentleman when he applies to the prison authorities, and I am surprised at the statement which he makes.

2738. The clergyman states that the gaoler "gave me a list of the Catholic prisoners, and I asked him to answer me distinctly, whether that list embodied all the Catholic prisoners in the City gaol; he distinctly told me it did not, and he showed me an Act of Parliament, which he seemed to act upon, whereby prisoners had the option of refusing to see the Catholic priest. You thought you had a right to a list of all those who had registered themselves as Catholics? Yes, I thought so from this Act of Parliament. You only received a list of those who expressed a wish to see the Catholic clergyman? That was so."—I presume that is correct.

2739. Is it the case with the Protestant prisoners that their chaplain only sees them when they express a wish to see him?—I cannot answer that question; those are details which the chaplain could speak to.

2740. As a member of the gaol committee, are you not aware that it is the fact that the regularly appointed chaplain of the gaol has full and complete access to the prisoners?—If you put it in that way, I should say certainly there is no objection to his seeing them whenever he likes.

2741. Do you think, looking to the two classes of prisoners, it is right and wise that one class should be visited or not at the clergymen's discretion, and that the other class should be visited or not at their own discretion?—Those questions are inconvenient for me to answer, inasmuch as I have said before, we are a Protestant community and I do not approve of the same license being given to the Roman Catholic as I do to the Protestant.

2742. I may take it that your principle rule of action is this, that being a Protestant you wish to give certain advantages to the Protestant prisoner, which you do not think ought to be given to the Roman Catholics?—We give as much as we can judiciously to the Roman Catholic prisoners.

2743. And you think that the privileges given to the Roman Catholic prisoners should be left to the discretion of the body of aldermen?—It is immaterial to whom it is left; the prisoner may apply to the authorities in order that the priest may have an opportunity of seeing him.

2744. I suppose persons committed to prison are not always of the most religious character?—Very far from it, unfortunately.

2745. And therefore may they not be the persons most likely to require religious instruction and at the same time most likely to be desirous to avoid seeing the person who could best give it?—I could not answer that question.

2746. Is it not the case that any person who

s committed a crime, might from his very iminality be indisposed to receive visits from a erson who would place that criminality in an ncomfortable light?—Yes, but as I observed be- re, a married man who is sentenced to 12 months' nprisonment, tells me that he has been bored by s priest, wanting to give him absolution and nfession, and he says, "I will not have it; I do ot believe there is any man on earth can forgive e my sins."

2747. And you, I presume, would rather sym- thise with that expression of opinion?—I do ot believe anybody on earth has the power of ing so, not even the Pope.

2748. With respect to the books supplied to e Roman Catholic prisoners, have you any mark to make about them?—The Roman atholic priest has an opportunity of selecting em.

2749. Do you know of your own knowledge at the Roman Catholic priest has the opportu- ty of placing books which should be read by oman Catholic prisoners in their hands?—Yes, believe he has.

2750. Do you know whether or not other oks, books which contain doctrines very much posed to the Roman Catholic religion, are aced in the hands of the Roman Catholic pri- ners?—I believe not.

2751. We have had statements directly to the ntrary?—Then I believe it is not the fact; thing is done by us to pervert a man's opinions, ether he is a Dissenter or a Roman Catholic.

2752. Then when it is said that such books as The Lives of the Popes," "The Great Apos- y," and so on, are supplied to the Roman tholic prisoners, that is a mistake?—I should y so.

2753. And you would no more like such books be placed in their hands than you would like ch books as the "Lives of the Saints" to be aced in the hands of the Protestant prisoners? I may say unaffectedly that the magistrates ve expressed their wish not to interfere with y prisoner's religion; you may come in as a oman Catholic, and you may leave as a Roman atholic; it is not our wish to make any con- rts at all.

2754. If books hostile to the Roman Catholic ligion are placed in the cells of the Roman atholic prisoners, that is contrary to the wish the magistrates?—Undoubtedly; unmistake- ly, I may say.

2755. And probably after what has passed in s Committee, you would think it your duty to stitute inquiries and to remove any such cause complaint?—I certainly shall.

2756. Your objection to Divine service on the nday being afforded to the Roman Catholic soners, rather rested upon your insufficient quaintance at the present moment with the t of whether the discipline of the prison would injuriously affected by it than upon any ier ground?—To some extent it would the officers would be very much incon- nienced likewise, I apprehend, by having o duties to perform at various times; but it is matter that requires further consideration. I ould be happy, as far as I can, to relieve the man Catholic prisoner from any inconveniences t he may suffer in his religious creed, but I still of opinion that we must not attempt to rease that.

2757. You do not doubt that the assembling of ourselves together is a duty in which Christians may very properly practice, and thereby receive instruction, to their great spiritual benefit?—It is very likely indeed.

2758. If you deny that privilege to a class of religionists who have the misfortune to differ from you, it is from some high religious motive?—I could not quite admit what my feelings are upon that point.

2759. But at the same time you will probably admit that it is possible that Roman Catholic prisoners would be better reached by the ministrations of clergymen of their own faith, than by those of a clergyman whose doctrines they had been taught to disagree with from their earliest years?—Very possibly.

2760. But upon some higher principle you do not think it right that the State should pay, or that the ratepayers should pay, for the services of those who, though they might best reach the Roman Catholic prisoners, are not at the same time members of the Established Church?—I give you the same answer that I have given you before, namely, that I am a Protestant, and that I do not wish to encourage that which I consider an error.

2761. And that I believe would, in fact, apply if, instead of having 50 Roman Catholic and 300 Protestant prisoners, the proportions were quite reversed?—No; I think it might be ameliorated a little if the disproportion was so large.

2762. Mr. *Downing.*] I think I understood you to say that Roman Catholics in the prison have expressed to you that they did not wish to be troubled by the visits of the priest?—Yes.

2763. Was that the case to which you have just now referred, of the man who spoke to you within the last 48 hours?—No; it happened some time ago now.

2764. Are you able to give the name of the prisoner?—No, I cannot; I do not know the name of a single prisoner there; they are all numbered.

2765. You said that you did not think that the Roman Catholic clergyman had a right of access to the register?—He has a copy of it.

2766. He has a right, as I understand you, to ask for a copy?—Yes; which has never been refused him.

2767. To have a list of the Roman Catholic prisoners in the gaol?—Yes.

2768. Why has he not a right of access to the register?—Simply because we do not choose our books to be investigated, I suppose.

2769. By the Roman Catholic priest?—By the Roman Catholic priest, I suppose; I do not know whether I am right in giving even that opinion.

2770. I think I understood you to say that there was a distinction between Catholic Dissenters and other Dissenters?—Yes; inasmuch as the Roman Catholic has a priest of his own persuasion to visit him in the prison, and none of the other Dissenters have their own ministers to attend them, nor has it ever been applied for.

2771. Was that the only distinction you had in your mind at the time you gave that answer?—That was the distinction.

2772. Your last answer to an honourable Member was, that if there was a larger number of Roman Catholic prisoners, you thought that would justify you in altering your opinion?—It would not justify me exactly; it would ameliorate my impression.

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2773. What number of Roman Catholics would you have, in your mind, which would justify you in ameliorating that opinion?—I could not tell you that; it is impossible for me to speak to a certain number.

2774. Do you think if you had only 10 Protestants in the gaol that would alter your opinion?—No; I do not think that a hypothetical case ought to be put to me.

2775. Why not?—Because it is not likely to occur.

2776. I will take the case of Swaffham, in Norfolk?—Swaffham is not the City of London.

2777. Do you confine your evidence to the City of London?—I am speaking with regard to Holloway Gaol, which I am called to give evidence upon.

2778. But I want to know how many Roman Catholics you would consider would justify you in appointing a chaplain to a gaol?—I have not determined upon any number.

2779. Can you give no number which you would think sufficient?—I have not determined in my own mind upon that point.

2780. Are you intending to determine upon it?—Perhaps I may.

2781. Have you ever considered the question at all?—Perhaps I have.

2782. Will you give me the result of your consideration. I put to you a case: supposing there were a great disproportion between the number of Roman Catholics and Protestants in a gaol, the Roman Catholics being in a large majority?—I consider that I am not bound to answer a hypothetical case.

2783. In fact, you have a conscientious objection to seeing a Roman Catholic clergyman a paid officer attending to the wants of a prison?—Most unquestionably I have.

2784. And you would not have the ratepayers of the district taxed for his payment?—I think I have answered that question before.

2785. Allow me to ask you if the Roman Catholic parishioners of a district, and resident in it, pay taxes?—Yes, I presume they do; I have been asked that before.

2786. Have you ever been in Ireland?—I have.

2787. I suppose you know that Ireland is a Roman Catholic country as compared with other creeds?—Yes.

2788. And I suppose you are aware that upon boards of guardians and other places the great majority are Roman Catholics?—I do not know; I have merely visited that property which the City of London has some control over.

2789. Supposing that is the fact; will yo allow that Roman Catholics have conscientiou opinions also as well as Protestants?—Yes.

2790. And you might believe that a Roma Catholic is of opinion that you are in error, ju as you are of opinion as regards the Roma Catholic that he is in error?—Yes; every ma has his own belief.

2791. Would you be surprised to hear that, i Ireland, Protestant clergymen are nominated gaols and poorhouses where there are only tw or three Protestants, and sometimes only one, b the Roman Catholic guardians?—It may be so.

2792. Are you surprised to hear that?—I a not surprised at anything that happens in Irelan

2793. Do you not think that you might ado that practice with great advantage?—I should l very sorry to copy them at all; I should not b disposed to copy their example in any way.

2794. Mr. *O'Reilly.*] Do I understand that yo are stating a fact of your own knowledge wh you say that the books, the names of which ha been given to you, or books of a similar characte are not given to the Roman Catholic prisoners the prison at Holloway?—I should say so dec dedly; and I say so again, that, with the co currence of the magistrates, it is not permitted.

2795. Then I must repeat my question, f there is a variation in your answer; do you stat as a fact, that they are not, or only that they a not with the concurrence of the magistrates?—My firm impression is that they are not offere at all.

2796. Do you assert, as a matter of fact, th the books in question, or books of a similar ch racter, are not supplied to the Roman Catho prisoners in the prison at Holloway?—I shou certainly say no, and, to the best of my belief, am right in so saying.

2797. Mr. *Matthews.*] Are not the books su plied to the prisoners by the schoolmaster?—Ye and the chaplain and the Roman Catholic prie

2798. Are not the books actually taken to t cell by the schoolmaster?—I do not know tha this is a matter of detail which I cannot go int

2799. Are you aware of the fact that an app cation was made by the Roman Catholic prie Mr. Keens, to the gaol committee objecting to asking for a different class of books to be pr vided?—I do not remember; I am not awa of it.

2800. Did you ever yourself inspect the boo that were supplied to the prisoners in their cell —I have not done so, naturally supposing th they were such as ought to have been supplied

The Reverend James Purdon, Examined.

Rev. *J. Purdon.*

2801. *Chairman.*] You visit the County Prison at Maidstone, do you not?—Yes, I do.

2802. How long have you been in the habit of visiting that prison?—For three and a-half years.

2803. What was the average number of Roman Catholic prisoners in that gaol?—The average daily number of Roman Catholic prisoners is about 36 men and 11 women.

2804. An average of between 45 and 50?—Yes.

2805. Has the number of men been larger at any time than that?—Yes, at exceptional times; during the time of hopping there are a larger number of Catholics there; and at those times I think the number of male prisoners has risen 70, and of female prisoners to 15 or 16.

2806. At such times then, that would give y a much higher average?—Yes, just at that tim

2807. What would be the general character the offences for which those people would be co mitted?—The general character is not for a very serious crime; mostly for petty theft a fighting, and things of that sort.

2808. Would you, as a general rule, class th as hardened offenders?—Some might be, but i the general body of them.

2809. Whom did you succeed in this prison? I succeeded a Sicilian priest, Father Emanuel

2810. I

2810. Did he speak English?—Yes, he spoke English very well.

2811. How long had he been visiting the prison?—For five or six years before I came.

2812. And you succeeded him as priest to that prison?—Yes.

2813. How many times do you visit the prison?—I visit the prison every day, and twice upon Sunday.

2814. What is the average duration of your attendance upon week-days?—About half-an-hour; from 20 minutes to half-an-hour; and on Saturdays, in addition to instruction and prayers in the morning, I give about an hour and a half in the middle of the day.

2815. On Sundays what service do you perform?—The amount of time altogether, taking the whole day, would be about two hours, I should think. I say mass there, and have morning prayers and instruction, and evening prayers in the afternoon.

2816. Have you instruction in the afternoon?—No.

2817. Can the men and women be assembled together in the same chapel?—No, there is not accommodation for that.

2818. What arrangements do you make for the women on Sunday?—The women simply have prayers read to them by a governess, whom I have to pay; she is recognised by the prison authorities, and is under Government inspection. She is the governess of the mission school, and is allowed to read prayers to the women on Sundays. There is also a governess for the gaol, but she is not a Catholic governess.

2819. The Catholic governess, so far as she can, takes your place on a Sunday amongst the women?—Yes, on the Sundays, and on the week mornings, when I am with the men.

2820. Have you to pay the governess for that service?—Yes, I have.

2821. You are obliged to visit the men and the women alternately?—I visit them alternately.

2822. Have you any complaint with reference to the books supplied in the prison?—I have no complaint whatever with regard to the books supplied, but I have a complaint with regard to the books that are withheld. The visiting justices very kindly, some time ago, recognised an exceedingly excellent class of Roman Catholic books, but some different arrangement subsequently took place in the discipline of the prison, which caused the visiting justices to depart from their original recognition of those books, and the only books that are now provided, are the Prayer Book, the Catechism, and the Testament.

2823. Those books of which you spoke were of an instructive and, at the same time, of an entertaining character?—Yes, they were books of such a character as are supplied to the Protestant prisoners now; such books as the "Leisure Hour," and the "Sunday at Home," and different books of that kind.

2824. Had those books been supplied by the Roman Catholic clergyman himself?—Yes, out of his own means, and recognised by the visiting justices.

2825. When those books were worn out, did he wish to replace them by another set?—Yes, and it was refused, on the ground that as the prison was not under the same system of discipline as it had been previously, it could not be permitted.

2826. But books of an analogous character, of a Protestant tendency, are given to the Protestant prisoners under the new system, are they not?—Yes, they are.

2827. Do you see any reason why you should not have the same advantage as the Protestant chaplain has, to have useful and entertaining books given to your prisoners?—That is the principal grievance I have, as far as the working of the prison is concerned.

2828. You have no complaint to make of the authorities, I believe?—None whatever; I am treated with the greatest possible courtesy and respect.

2829. Have the authorities provided you with the necessary appliances for Divine worship on Sunday?—Not at all.

2830. Have you yourself provided them?—Yes, the vestments and altar furniture, and everything required for the service of the Church.

2831. Might I ask if those are liberally supplied?—They are not supplied in sufficient quantity; they are just barely necessary for the most simple form of service which can be performed.

2832. How much did it cost you to supply those necessaries?—They have been supplied from time to time; I should think if the cost was all accumulated together it would be, at the very least, 50 *l.*

2833. If you had them supplied according to your own wish and requirement, what would it cost?—If we had the service fully carried out, as it is in many prisons, it would be very much more expensive, as that would imply a great many more articles which would be necessary for the performance of the service; and that, I should think, would range from 100 *l.* to 150 *l.*; not in addition, but including those things which we have already.

2834. Say 100 *l.*, would that be a fair average?—Yes, quite so.

2835. Is your own mission a poor or a rich mission?—A very poor mission.

2836. Just tell the Committee what it consists of; is it composed of working people, or of what class of people?—They are people principally employed in labouring in the fields, we have no large manufactories at all; it is a large agricultural neighbourhood, and a great many of my congregation depend principally for their support on the preparation of the hops.

2837. Do you receive any remuneration for the service that you give in the prison?—Not the slightest.

2838. Have you ever applied for any?—My predecessor applied, and I have done so also.

2839. Will you state to the Committee the nature of your application?—My predecessor applied for a salary, and a great correspondence took place between him and the justices, placing the merits of the question in every possible light.

2840. You have applied yourself, you state?—Yes; I have applied once, about a year and a half ago.

2841. No difference of feeling took place between you and the authorities, I presume, upon that point?—Not the slightest.

2842. How were you received?—I was most courteously replied to by Lord Hardinge, more so even, perhaps, than the application deserved.

2843. Lord Hardinge replied to you as a gentleman, and spoke courteously of your sect, and yet the application was refused?—Yes, it

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was refused on the ground that there was not a uniform opinion existing amongst the justices with regard to the salary; I think that was the ground alleged.

2844. At any rate you were respectfully refused?—Yes, very much so.

2845. Your only complaint is that you were refused, and not of the form of the refusal?—Yes; that was so.

2846. Some persons may be under the idea that the Catholics themselves are able not only to provide all those necessaries for Divine worship upon the Sunday, and other ministrations, but that they are able to pay the Catholic clergyman themselves; now will you just give me an idea of your receipts from your congregation; your professional income, in fact?—We are obliged to ask for some contributions at the door as well as at the offertory, and my collection on Sunday averages about 12*s.* a week, and out of that I have to provide ministration for three unions, one of the largest county lunatic asylums, three hospitals, a barracks, and my own mission and schools, and I have other things to attend to as well.

2847. Sometimes you are paid for your attendance at the barracks when there are soldiers there, are you not?—Yes; but they have been removed, and for some time we have not had sufficient soldiers there to entitle me to payment; 25 entitles me to payment.

2848. That is a serious loss to you?—Yes; I am obliged to take in pupils to keep things going at all.

2849. You do not think that your congregation could supply a chaplain for the prisoners in this gaol?—I think the chaplain has to supply them generally.

2850. Is it not the fact that from the sympathy expressed by the clergyman with the prisoners, he very frequently has claims made upon his scanty resources?—It is a constant drag upon him.

2851. So that he gets nothing and is asked for everything?—Yes.

2852. Would you venture to say that the result of your ministration to those people is really an advantage to them?—I trust it is; I may say that sometimes I am called in to settle a question with a quarrelsome prisoner, and things of that kind, and they will generally listen to my advice; in one or two cases of this kind I have been successful in that way, merely externally with regard to my influence with the prisoner.

2853. Will you just state to the Committee under what circumstances of that kind you have been called into the prison?—Some time ago there was a very violent man who came from Deptford, a man who had made several violent attacks upon the police, and he was exceedingly indignant against a warder in the prison, who had been rather hard upon him, and I believe if he had got the warder he would have done him some grievous bodily injury. They tried every kind of persuasion, and at last I was called in, and I think since then the man would acknowledge himself that he has tried to behave better and to mend his conduct; he was an unruly man before, and since then he has been quiet. And in other cases the matron frequently applies to me when she gets an unruly subject, to advise her; I may say that I cannot speak too highly both of the matron and of the chaplain; they have called upon me frequently with regard to matters of that kind.

2854. Your desire is to maintain the authority of the officers of the prison, and to make the prisoners respectful and docile?—Entirely so.

2855. And to promote, as far as you can, the discipline of the prison?—Decidedly.

2856. Do you think that you are entitled to a salary for your work?—I think so, most certainly.

2857. In fact, you consider that it is not fair to receive your services, which must be given, without giving you adequate remuneration?—I think not.

2858. Sir *John Pakington.*] You spoke just now of having spent 50*l.* for books and other appliances for Catholic worship; I think I understood you to state that that was the aggregate amount of what had been spent; over what period of time was that spread?—I should think that that period of time would be almost since the prison has been visited, because vestments and those sort of things are very expensive; but being only used once in the week, namely, on Sunday, they last a long time.

2859. You spoke of books also?—At present some of the books used by the prisoners are provided by the priest himself; but I spoke of the ornamental things, the crucifix, &c.

2860. But the books required for the prisoners are provided by the authorities, are they not?—The books, which alone are provided by the authorities of the prison, are simply the Testament, a small Prayer Book ("The Garden of the Soul," as it is called), and also an instructive book called the "Poor Man's Catechism," but no book of an entertaining and instructive nature is allowed by the visiting justices to the Catholic prisoners, although a similar kind of book is allowed to the Protestant prisoners.

2861. The books you have mentioned are the essential books for the religious worship of the Roman Catholic prisoners?—Yes, they correspond exactly with the Book of Common Prayer and the Protestant Bible.

2862. Is there a proper place assigned to you for the care of your vestments, and other things of that sort?—There is a cupboard provided.

2863. Then you mentioned with regard to your expenditure, that if the service was carried out properly, as in many prisons, the expenditure would amount to from 100*l.* to 150*l*; what prisons did you refer to?—When using the word "prisons," perhaps I did not speak quite correctly I refer especially to the large county prison at Wakefield, because the present chaplain at Maidstone was chaplain at the Wakefield Prison, and he has told me (I am speaking on his authority how well the place is arranged, and even elaborately decorated, and, therefore, I spoke perhaps incorrectly in saying "prisons," when I myself only referred to one; I can speak from my own experience of the convict prison at Gibraltar, in which I served for some time, and there they have everything very nicely arranged.

2864. Wakefield, if I remember rightly, is not only an important county prison, but I think it is a prison to which Government convicts are admitted under contract with Government, is it not?—I do not know that.

2865. But when you use the expression "a in many prisons," I wish to know if you can specify them?—I must recall the expression "many," as it escaped from me unguardedly; I know

now it is the fact in Wakefield, and I believe it be so in other prisons.

2866. Do not suppose that I want to pin you your words, but I wished to know whether it was within your knowledge that there were ther prisons where the full Roman Catholic rorship was allowed to be carried out. In making our explanation, you allude chiefly to the Wakeeld prison, do you not?—Yes.

2867. Did I rightly understand you to say, in nswer to a question put by the honourable hairman, that you are allowed in the Maidstone rison to assemble the Roman Catholic prisoners n Sundays for associated worship?—Yes, but I m not able to have the women and men together.

2868. But you are allowed to have the men?—Yes, I am allowed to assemble the men gether.

2869. What is the average number of the male oman Catholic prisoners?—The average number one time ranges from 38 up to 50 men.

2870. What apartment is assigned to you for he purpose of associated Roman Catholic worip?—It is a room which we use exclusively r that purpose; it is simply a room in the rison.

2871. Is it sufficiently large for the purpose? It would not hold conveniently a very large umber.

2872. That room is assigned to you by the uthorities of the prison for that purpose?—Yes, d it is not used for any other purpose.

2873. You told the Committee that you and our predecessor had made frequent applications r a salary, and I understand you to say that ose applications were made to the visiting jus-es of the prison?—Yes, or as I should put it, the magistrates. The visiting justices are frequently magistrates, I believe; but the applications for salary were made to the magistrates.

2874. I was going to ask you whether those plications were made only to the visiting jus-es, whom you rightly represent as magistrates, whether they were made to the court of uarter sessions?—I think the applications have en brought before the court of quarter sessons.

2875. Was your own application brought be-re the court?—I think so. I am not quite re about that.

2876. Is it within your own knowledge that y division was taken upon that application?—am not aware of that. I received an answer om Lord Hardinge, stating that the visiting stices saw no reason to change their former decions, and that they could not grant a salary.

2877. In fact, your answer amounts to this, at upon more than one occasion an application s been made to the magistrates assembled in uarter sessions, and that each application has en declined?—It has been deferred or refused.

2878. A salary has not been given?—It has t been given.

2879. You stated that your average income m the offertory was 12 *s.* a week, out of which u had various payments to make?—Yes.

2880. Which would leave you a very limited ome?—Yes.

2881. I wish to ask you if you have any other ofessional income as a Roman Catholic priest? I take pupils, and when there are soldiers I ve a capitation grant according to the number t may be in the Maidstone Barracks; but if number does not come up to 25, I have no .60.

salary whatever. We have the Horse Artillery in Maidstone, but there are very few Catholics in that regiment.

2882. I wanted to know whether you have any other strictly professional income?—I have the pew rents.

2883. What might they amount to?—They might amount to about 8*l.* or 10*l.*

2884. Irrespective of the prison, what is the district, the spiritual care of which is under your charge?—I should think I have about eight or ten miles all round Maidstone.

2885. Your mission includes the town, does it not?—The town and the neighbourhood. My mission extends to Tunbridge Wells, or touches upon it, and also to Chatham.

2886. Have you a Roman Catholic chapel in Maidstone?—We only use the school; we have a small oratory in the house registered for marriages, but we have no regular chapel.

2887. Does the spiritual care of that district call upon you for a great amount of your time?—Yes, as much as I can give to it.

2888. How often do you attend at the prison?—Every day except Monday, unless I am detained by sickness.

2889. Do you have service once or twice on Sundays?—Twice on the Sunday.

2890. Have you associated worship on any day except Sunday?—Every day we have the men collected together for prayers and instruction.

2891. With the full sanction of the authorities of the prison?—Yes, and there is not the slightest difficulty made.

2892. Your answer to the honourable Chairman was that you had no reason to complain of the authorities of Maidstone Gaol, excepting that you are not allowed a salary to remunerate you for your labour?—That is so.

2893. Mr. *Talbot.*] I am very much pleased to find that you have made no charge whatever, except upon two subjects; one being the subject of the books, and the other the salary. I will take them *seriatim*, and ask you in the first place with reference to the books. You stated that there had been a change in the system with regard to the books?—Yes, certain books are not allowed now, which were allowed before.

2894. Will you inform the Committee what was the reason for that change?—I do not see the force of the reason which has been given, as it places the Catholic prisoners in a disadvantageous position in comparison with the Protestant prisoners.

2895. What is the nature of the change exactly?—When my predecessor had been some little time in the prison, he applied to the magistrates, and presented a list of books, which received their sanction; those were books corresponding with various publications which come out like the "Leisure Hour." There are religious and historical books or pamphlets which the Protestant prisoners are allowed to read, and this was a similar class of book to that, and was recognised by the visiting justices. That permission has been rescinded now, and the Catholic prisoners are confined to their devotional books. They have no books whatsoever for their amusement and instruction, except those tending directly towards doctrinal subjects, or relating to the Holy Scriptures, which is rather a disadvantage, and I daresay it might be removed. I applied myself, and I was told that as there was a re-arrangement in the

Rev. *J. Purdon.*

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discipline of the prison, my request could not be granted; but I consider that that makes an inequality between the Catholic and Protestant prisoners.

2896. I suppose, with regard to secular books, you would consider that the same secular books should apply to all classes of prisoners?—I should object to a certain class of secular books; there are many things which appear in the "Leisure Hour" which I should have a decided objection to a prisoner reading, and in that feeling I am sympathised with by the chaplain; he would banish that kind of thing, the same as I would.

2897. Do you mean to say that the Roman Catholic prisoners can only read those books?—They can take those books if they like to read them.

2898. But you would object to the prisoners reading such books, on account of their faith?—The prisoners could not always form a right opinion upon the points treated of in such books.

2899. Supposing you applied to the visiting justices for leave for the Roman Catholic prisoners to have a certain number of books besides the devotional books, such books to be approved by them, and that was granted, that would satisfy you?—Quite so.

2900. You have stated that you made that application?—I made that application, and it was refused.

2901. Would it not be worth while to try again?—I might try again, and no doubt it would be granted.

2902. Then, with regard to the question of salary, I think your mind was not quite clear about the body to which your application had been made; but I think you would, probably, understand that if an application had been frequently made to the court of quarter sessions, and had not been accepted by them, the visiting justices would not then think it worth while to bring it again before the court?—I scarcely understand your question.

2903. You do not know that those applications have been made to the court?—They have been made to the court from time to time.

2904. You do not know that your own application was so made?—My own application, I believe, was referred to that court.

2905. You believe so, but you are not quite sure?—I am not quite sure; I might be mistaken.

2906. And you stated also that one claim which you had for a salary was, that you had so many duties to perform in the various parts of Maidstone and the neighbourhood?—That is so.

2907. But the magistrates of the prison have nothing to do with your other parochial duties?—No, but it might be taken into consideration; for instance, if I were receiving a salary for the gaol, I should be very much more bound to go to the gaol than I am now; now, if my mission duties call me in another direction I let the gaol go unattended.

2908. The magistrates do not require you to attend at the gaol at any particular time, I believe?—No, they could not do that without giving a salary.

2909. Therefore, if the poverty of the district makes you obliged to visit the lunatic asylum, the barracks, and your own people, you cannot expect the magistrates to take that into consideration when they are considering the question of the salary?—I think, with regard to giving a salary to the chaplain, a salary should be given to me sufficient to enable me to keep another priest, because the gaol would require from a paid chaplain a very great amount of attention and care, which cannot now be given to it as it should be. For instance, now I only see those men who express a wish to see me. I give them instruction every morning, and after instruction I ask if any other wish to see me; but to attend properly to the Catholic prisoners, I ought to see each one, whether he wished to see me or not. I cannot do my duty to the gaol now, because I am called away in other directions.

2910. Would you think that the number of Roman Catholics in Maidstone Gaol is sufficient to warrant the payment of a Roman Catholic chaplain?—I think so. I think the reformation of a large number of men requires labour of that kind.

2911. You have only about 50 men?—That is about the average.

2912. If the chaplain of the gaol can attend to 400 prisoners, surely you can attend to 50 with very much less labour?—But he has help besides his own labour; he has a schoolmaster to assist him.

2913. One object of this Committee is to ascertain whether a Roman Catholic chaplain should be paid in the prisons or not; and one point which we must arrive at before we come to a conclusion is with reference to the number. I ask you whether you think that the number of prisoners in Maidstone Gaol is, on an average, sufficient to warrant the payment of one man to attend to them, and to do nothing else?—I should think so.

2914. The average number is between 40 and 50, and you would think that that was a sufficient number to take up the whole time of a priest?—Not quite sufficient to take up his whole time, but sufficient to give him plenty of work. If there are 25 soldiers they allow a capitation grant.

2915. But you are not expected to attend to them alone?—No, but you must attend to them at all events.

2916. Lord *Henley.*] Do you know what is the amount of the capitation grant in the case of the soldiers?—Ten shillings a head for the first 25 and beyond that I do not know how the scale changes.

2917. If there are 25 soldiers stationed at the barracks for a year, you have 10*s.* a head?—Yes.

2918. Mr. *Knatchbull-Hugessen.*] Would that scale satisfy you in the case of prisoners?—No.

2919. What reason would you give for its not satisfying you?—Because the prisoners would require very much more attention; they are there for a different object; they are there to be reformed and to receive instruction and guidance; you must treat them in a different manner from what you would treat soldiers.

2920. Do you know what the chaplain's salary is?—£.250 a year, with a house.

2921. Do you know the average number of prisoners that he has to attend to?—I should think about 400 or 500.

2922. Would you be satisfied to be paid upon the same scale as the chaplain is, in proportion to the number?—No, scarcely; it would depend upon the amount of work which you would require from me; the Protestant chaplain has to give service every day, and of course there is a certain amount of correspondence which would fall upon him; and the

ain we have had a large number of executions, hich bring a great amount of extra labour, and hich would imply, in the case of a Catholic exe- tion, my getting the assistance of another ergyman.

2923. Do you think that you ought to be paid on a higher scale than the chaplain? — I think e prison authorities ought to give me 100*l.* or 20*l.* a year.

2924. That would be something more than 2*l.* head for every Roman Catholic prisoner?—But do not think that it should be calculated in that ay, it should be the value of my labour; you nploy an educated gentleman to look after the isoners, and I think his salary should be perior to that of a warder.

2925. Then you do not agree with the evi- nce that has been given us, that a capitation ant would be satisfactory?—I do not think so, r that would almost give me an interest in ime.

2926. Then with regard to the Creed Register, have you heard any complaints of persons coming in under one religion and afterwards changing, and of there being any difficulty in changing?— That has been perfectly mutual between us; sometimes persons have entered themselves as Protestants, and the chaplain has got them handed over to me; I have had the greatest attention and kindness from all the officials in any matter of that kind. A great deal has been done for the Catholic prisoners by the Prisoners' Aid Society, which has no Catholic contributor there except myself; so I do not think that in any way any inducement has been held out to the Catholic prisoners. I think it is due to the Protestant chaplain to say that.

2927. There has been no possible source of grievance as regards yourself, except the fact that you are not placed upon a proper pecuniary footing?—That is so.

Thursday, 5th May 1870.

MEMBERS PRESENT:

Mr. Dalrymple.	Mr. Matthews.
Mr. Dimsdale.	Mr. Maguire.
Mr. Downing.	Sir John Pakington.
Lord Enfield.	Mr. Synan.
Mr. Guest.	Mr. Talbot.
Lord Henley.	Sir John Trelawney.
Mr. Knatchbull-Hugessen.	Mr. Walpole.

JOHN FRANCIS MAGUIRE, Esq., in the Chair.

The Rev. Frederick Myers, called in; and Examined.

Rev. *F. Myers.* —— 5 May 1870.

2928. *Chairman.*] You are a Roman Catholic clergyman in the city of Bristol, I believe?—I am.

2929. Do you visit any gaol in that town?—Yes, I visit the City Bridewell.

2930. How long have you been in the habit of visiting that prison?—About three years and six months.

2931. Do you go without invitation, or does your visit depend upon invitation?—I never go unless sent for by an official letter from the governor, through the clerk.

2932. In the year 1867, how many times were you invited to attend?—Twice.

2933. In 1868, how many times were you invited?—Three times.

2934. In 1869, how many times?—About twice.

2935. Have you been invited this year?—No.

2936. What is the daily average number of Catholic prisoners in the City Bridewell?—I do not know; I can only judge from the official report; but until I saw the report I had no idea how many there had been in the prison.

2937. You do not know how many there are?—I never know; I asked the governor on one occasion, and he said, "Very few," and I asked him, "What do you mean by very few," and he said, "About four or five at present."

2938. Do you think that that statement was correct?—I really cannot tell.

2939. Have you access to the register?—I have no access to it.

2940. Is it furnished to you when you go to the prison?—No.

2941. Do you think, by law, that you, as the permitted priest, ought to see it?—I did not think so.

2942. First, let me ask you, does any other Catholic clergyman ever visit the prisoners in the gaol?—No.

2943. So that in the case of a prisoner requiring the assistance of a clergyman, you are the Catholic priest sent for?—Yes; the prison comes within my district by an arrangement made between the Catholic clergymen. When I took the district, I wrote to the governor of the prison, requesting that if there were any sick calls to the prison, he would address them to the Reverend F. Myers, St. Joseph's.

2944. The 4th section of the Act 26th and 27th of Victoria, chapter 79, is as follows:—"The keeper, or other person performing the duties of keeper of a prison, on receiving into his custody any prisoner shall enter his name in a book to be provided for the purpose, with the addition of the Church or religious persuasion to which the prisoner shall declare himself to belong, and the said keeper or other person shall from time to time give to any minister appointed or permitted to visit prisoners in the prison a list of the prisoners so declared to belong to the Church or persuasion of such minister, and no such minister shall be permitted to attend or visit any prisoner belonging to any religious persuasion differing from that to which such minister belongs;" do you think that that would confer the right upon you (you being the clergyman permitted to visit that prison) to obtain from the authorities of the prison a list of the prisoners of your denomination?—I suppose so; but I did not read it in that way.

2945. It has never been tendered to you?—No, it has not.

2946. In 1867 were you called in to visit a man named Dwyer?—Yes.

2947. Would you tell the Committee the circumstances under which you visited that man?—The mother came to me and told me that her son was dying of typhus fever, and that she had been sent for, and that she had asked for a priest to be sent for.

2948. Is the mother a Catholic?—The mother is a Catholic. Then the day after that I received a notice from the clerk requesting me to go to the gaol and visit the prisoner, Thomas Dwyer. I went the same day that I received the letter, and I found the prisoner in the infirmary. He was delirious; he could make no recognition of me whatever; he could not speak a word, so that I could do nothing whatever for him.

2949. And he died in that state?—He died two or three days afterwards.

2950. Have you any reason to know that that prisoner, Thomas Dwyer, expressed any desire to see a Catholic clergyman?—Nothing more than

han what I learnt from the mother. The mother nformed me that as soon as her son went into he prison she said, "Now, Thomas, if you are ver ill, be sure you send for the priest;" and she elieved he would have sent, and did send, for he priest; for on the day when she saw him, when he was ill with typhus fever, he threw is arms around her neck, and said, "Oh, nother, the priest!" and in consequence of that he then went to the governor and said, "Why vas not the priest sent?" She tells me that the varder said, "What good will a priest do; he as got the chaplain?" but she insisted so strongly ipon a priest being sent for, that at last the governor said, "Very well, woman, you shall ave your wish."

2951. Was it the governor or a warder who aid that?—It was the warder who said, "What ood will a priest do; he has got the chaplain"; ut the governor was present.

2952. Were you sent for on that day or a ubsequent day?—I received the letter by post, nd I am rather inclined to think that it was wo days afterwards, for his mother, I think, saw im upon the Saturday; and I received notice n the Monday following.

2953. At any rate, the man was delirious when ou saw him, and could not understand anyhing?—He was delirious, and understood othing.

2954. Is the mother a woman of such character hat you could rely upon her statement?—I hink so.

2955. You know nothing to the contrary?—know nothing to the contrary.

2956. In 1868, did you by chance visit a voman named Mary Sullivan?—Yes.

2957. Will you state to the Committee the ircumstances connected with that case?—I reeived a letter from the clerk, requesting me to isit a youth of the name of Maws, and when I rrived at the prison, the governor said to me, "There is another case here that I should like you o see. A poor woman is now dying. I suppose ner to be a Roman Catholic from her name of Sullivan, but she has not asked for you, and I ake upon myself the responsibility of sending you to her." He said, "You have no time to ose, for if she is not dead, and I am afraid she s, she must be very near it." I went to the nfirmary and saw this poor woman. She was peechless and dying, and showed no signs of ecognition; I spoke to her and said some prayers; but she made no sign whatever of recognition. Towards the end of my visit, fter I had been with her some five minutes, he opened her eyes and saw at once that I was Catholic priest, and showed signs of recogition and consciousness. She was unable to speak, ut I did what I could in the way of preparing er for death, and begging her to be contrite for er sins, and so forth, during which time the poor reature's eyes streamed with tears. She closed er eyes very soon afterwards, and before I left he gaol, as the governor told me afterwards, she vas dead. It was a mere chance that I saw her. was not sent for to see this person, but to see nother prisoner, and being there, the governor uggested that I should see this woman.

2958. Is it the fact that when you did see any risoners who were dangerously ill, they were ctually in their last moments?—Yes, and this s just an example.

2959. In those two cases that you have mentioned, did it happen so?—In the first case the youth died some days afterwards, though he was delirious at the time of my visit; and in the second case, the person died before I left the prison, though I believe she was conscious for a few minutes during the time that I was with her.

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2960. Did you ever make any application to the authorities in any way to be allowed to visit the prisoner without being specially sent for?—No formal application; it would not be fair to say that I have ever made a formal application.

2961. Formal or otherwise, have you ever made an application?—I will tell the Committee what I did: seeing that my visiting these prisoners was so precarious, and that they might die without having the last rites of the church, I had a conversation with Mr. Gardner, the governor, and I said, "You never send for me except to see dead or dying prisoners; would it not be better to have me appointed chaplain by the visiting justices;" and he replied "No;" I said, "Why not?" and he said, "There are not a sufficient number of Catholics to warrant a Catholic priest being appointed, and if the matter was brought before the justices they would never consent to it; and, secondly, there is no need of it; you shall see the prisoners whenever you choose; when you come here, you shall see them all."

2962. When did that conversation take place?—About May or June last year, and then I said, "How am I to know who the Catholic prisoners are?" and he said, "That is your matter; I am not allowed to let you look at the list;" but he said, "I will tell you what I will do; I will give authority to my clerk to copy out the names for you, so that when you come again he will give you a list." About a month afterwards I went and asked especially to see the governor, when I reminded him of his promise, and of his offer; he took me to the office, and asked me to read the rules and regulations of the prison, and pointed out one to the effect that no prisoner shall see any minister other than a minister of the Established Church, except he or she shall have expressly desired to do so; so he said, "You see that I can do nothing in the matter, though I am very willing to do everything I can for you; and unless the prisoners send for you each time, I shall not have power to let you visit them."

2963. During last year did you make application to any of the justices in reference to this matter?—Yes, I did, but not in any formal way. I called upon one of the visiting justices, Mr. Thomas Canning, and I asked him if he could obtain for me, first of all, the number of Catholics in the gaol, and, secondly, whether he would bring this matter before the justices, in order to have me appointed chaplain; and he said, "Leave it in my hands," and he undertook, as I understood, to ascertain what number of Catholics there were in the prison, and also to bring the matter before the justices.

2964. Was that in October?—About October.

2965. Though informally, you intended that he should be the medium through whom you would communicate directly with the justices?—Yes, and I also wished to sound him to see what prospect there was of the matter being arranged.

2966. Has the question been settled?—Nothing has been done, and I thought it only fair to write and ask him what he had done in the matter, so I wrote about a fortnight since. I had

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seen him repeatedly, but he never once alluded to the subject. I received an answer to my letter, saying that he would bring the matter before the magistrates at their next meeting.

2967. Have you ever been told that prisoners have desired to see you, and that, nevertheless, you have not been sent for?—Yes, I have.

2968. By whom; will you just state to the Committee the circumstances of any such case?—I can certainly remember two cases, if not three, of prisoners who have come to me after they have been released, and said, "Oh, father, why did not you come to see me in the prison?" and I said, "I did not know you were there; why did you not send for me?" and they have said, "Oh, I did frequently, but I was always told that the priest would be coming round, and when he was in the prison that I should see him;" and then some of the prisoners have said that when they asked to see the priest they were told they were very troublesome, and it was said, "Why cannot you do as the others do, and be content with the chaplain?"

2969. Some of the prisoners even rebuked you for not having attended?—They did; I also suspected that the authorities did not send for me immediately when prisoners asked for me in the prison, from this fact: that it generally happened that when I went to the prison by express notice, a warder came and said, that there was first one wanted to see me, and then another wanted to see me. I used to ask myself the question, "How can they know that I am in the gaol?" and therefore I thought it must have been that their petitions were accumulating; that the authorities did not send immediately, but waited until some other opportunity, until the priest came, and then they allowed me to see these persons.

2970. If it was the fact that you were only allowed to see those prisoners who specially asked for you, I need scarcely ask whether you are allowed to hold Catholic worship upon the Sunday?—Nothing of the sort; I had no idea of such a thing; I never went there, except I was specially sent for.

2971. You despair, then, of any such application being successful?—I do not know about that; I certainly never entertained the idea.

2972. It was so desperate?—Yes.

2973. Of course, there is Protestant worship upon the Sunday?—Yes; there is a regular chaplain.

2974. How many times is there Protestant service upon upon the Sunday?—Twice, I believe.

2975. Is the Protestant worship attended by the Catholic prisoners?—Always.

2976. How do you know?—They have told me so when I have visited them in the gaol; and they have put this forward as a grievance, and consulted me with reference to their going to the Protestant service.

2977. What have they said to you?—They have asked whether it was allowable, and so forth.

2978. You could not give it your sanction?—I could not give it my sanction; but I saw that it was no use opposing them, for their answer invariably was, "What are we to do; we cannot bear the tedium of being locked up in our cells all day;" they no doubt do look upon it as a break in the monotony of their confinement to be allowed to go out of their cells to church.

2979. Is the cellular system carried out in that prison?—Yes, it is.

2980. Therefore it is a positive blessing to the prisoners to be allowed to go out of their cells —Yes; when the prisoners have been released they have told me that they used to go to the Protestant services in the gaol to break the monotony of their confinement

2981. As I understand, you rather remonstrated with them, as you were bound to do, that distinctly forbade their going to the Protestant service?—I never forbade them; I never went so far as that.

2982. But you were bound in conscience to remonstrate with them?—I simply told them what I considered to be their duty, and then left it to themselves; I did not wish to push them too far.

2983. But according to the rules of the Roman Catholic Church, a Roman Catholic cannot without a sense of wrong, attend the Protestant service?—He cannot; it is not allowable.

2984. Sir *John Pakington.*] You account for having been sent for so seldom in the year 1867, 1868, and 1869, by the fact that the rule of the prison was that you should only be sent for when some prisoner himself desired it; but I understand you also to add, that there are three cases within your knowledge in which, although the prisoners did desire it, still you were not sent for?—So they informed me.

2985. In the case of Dwyer, which you have mentioned, the mother came to you?—Yes.

2986. Did you not also say, that before the mother came to you, the prisoner himself had applied to have you sent for?—I stated that the mother presumed that he had asked for me, from the fact of her having told him that if he was ill, he must send for the priest, and she felt sure that he would do so.

2987. It was merely a conjecture upon the part of the mother that he did probably desire it —Merely a conjecture upon the part of the mother

2988. It is not within your knowledge that he did so desire?—It is not.

2989. I understand that when you went to visit the prisoner, upon the application of the mother, you found him delirious and dying; but there was no objection to your seeing the man —Not the slightest.

2990. Then with regard to the woman Sullivan; you stated that the governor applied to you to see her, you being in the prison in consequence of having been sent for to attend another case?—That was so.

2991. What was that other case; was it a case of illness?—No, it was not.

2992. In that case, I presume, the prisoner himself had desired that you might come to him —I believe, in this case, the prisoner had not desired it. It was the case of a boy whose mother had been to the governor and had obtained an order, through the governor, for my attendance but I do not know that the application came from the boy himself.

2993. Do you know whether or not the woman Sullivan had made any application to the governor that you should be sent for?—No, I should think the contrary; because the governor remarked to me, "She has not asked for you."

2994. Did you ascertain how long before you saw that woman she had been in a state of illness?—No, I did not; but it was a case of consumption

sumption; therefore it must have been a considerable time.

2995. But the governor himself requested you to see that woman when you came?—Yes.

2996. I do not understand that you made it a case of complaint against the governor that you were not previously called to see her?—I did. I afterwards made this remark to him, "What a shame it seemed not to send for me before!"

2997. From the state of illness that she must have been in, I suppose?—Yes.

2998. You stated, as I understand you, that the Roman Catholic prisoners were always obliged to attend the Protestant worship?—I did not use the word "obliged."

2999. I want to know what your view is; do you think they do it of their own accord?—Yes, I am sure they do it of their own accord.

3000. For the reason that you mentioned, namely, to avoid the monotony of being shut up in their cells?—Yes.

3001. You have heard nothing more, I presume, from Mr. Canning, since you wrote to him a fortnight ago?—Nothing more than what I have already stated, that he would bring the matter before the magistrates at their next meeting.

3002. You do not know what has been the result, if any?—I do not know the result.

3003. You have been three or four years attending at the prison, have you not?—Three and a half years.

3004. Had you never made any previous application of the same nature?—No, never.

3005. Why did you not?—I did not think there was any chance of its being successful.

3006. Did you ever apply to be allowed to visit the prison more frequently?—No.

3007. Did you ever apply to be allowed to visit on the Sunday?—No.

3008. You told the Committee that you did not know what the daily average number of Roman Catholic prisoners was, but that it did not exceed four or five?—That was from what the governor said.

3009. How did that arise?—The governor said, "To your credit, very few of your number come here;" I asked him what he meant by "a very few," and he said, "I do not think there are more than four or five Catholic prisoners in the gaol."

3010. Mr. *Synan.*] A right honourable gentleman has asked you whether those prisoners went to the Protestant church on Sundays of their own accord; do you believe that they go of their own accord; that is, as willing, free agents?—I do not think that they go completely of their own accord.

3011. I say as free agents; do you think that there are several species of compulsion?—I should distinguish; I consider if they had been permitted to go to their own church, they would have gone, by preference, to their own service rather than to the Protestant service, and I do consider that when a prisoner is put between the alternative, either of being locked up in his cell the whole day, and having no break whatever, or of going to the Protestant service, that is a kind of compulsion, and that the prisoner is not entirely a free agent in that respect.

3012. Supposing a prisoner was told, upon the Sunday, that he had the option of either remaining in his cell, or of going upon the treadmill, or going to the Protestant church, would he be a free agent?—I do not know what would come of disputing that point.

3013. Suppose a prisoner was told that he should remain in a cold cell for a whole day, or go, as he now does, to the Protestant church; would he be a free agent if he went to the Protestant church?—He would be, to a certain extent, free.

3014. Do you call that perfect liberty of action?—I do not think it is perfect liberty of action.

3015. It seems to me a matter of surprise; will you tell me why you never made a formal application under this Act of Parliament; were you aware of the existence of this Act of Parliament?—Yes.

3016. Did you read it?—Yes.

3017. Did you read these words, "That the keeper of a prison, or other person, shall from time to time give to any minister appointed or permitted to visit the prison, a list of persons belonging to his creed or persuasion"?—I did not quite understand it in that way. I thought that "permitted or appointed" referred to a person being permitted by the visiting justices, or appointed by the visiting justices, and not simply sent for; and then, secondly, I was thrown back by the fact, that the governor told me, "I am not allowed to show you the list."

3018. I am coming to that; were you influenced in not taking more active and formal steps of application by the answer of the governor, when he pointed out the rules against giving you the list, or the creed register?—I do not know that that prevented me; I rather think that what stopped me from making any formal application was his telling me that he was perfectly sure that if the matter were brought before the justices they would not entertain it, as the number of Catholics in the prison was so few.

3019. Did the fact of the governor showing you the rule under which you would not even get a copy of the creed register, which you were by this Act entitled to have, confirm your neutrality?—He did not show me any rule.

3020. I understand you to say that he promised that a copy of the creed register should be made out by his clerk for you?—Yes.

3021. And he took you into his office afterwards, and pointed out the rule?—That referred not to giving me a copy of the creed register, but to allowing me to visit unless the prisoner asked for me.

3022. Were you at all influenced in remaining in your state of neutrality by that?—Yes; I think that made me think that there was very little hope, if I pushed the thing further with the justices, of having anything done.

3023. In what year was it that this conversation with Mr. Canning took place?—In October last.

3024. He promised you that the thing should be discussed and entertained at the next sessions?—Yes; he did not say the next sessions, but simply "Leave the matter in my hands."

3025. When did the next sessions occur after that promise, or did it ever occur?—I do not know that.

3026. Has any sessions occurred since that promise was given?—Are you alluding to the last promise or the promise in October?

3027. The promise to bring it before the justices; do you know how often the sessions take

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place at Bristol?—I think about four times in the year.

3028. At all events, since the promise which he made in October, when he requested you to leave the matter in his hands, nothing has been done by the visiting justices?—Nothing has been done by the visiting justices.

3029. Were you surprised to see this list of the City Bridewell, containing 69 Roman Catholics?—Yes.

3030. When did you see it first?—I saw it last week.

3031. Did you not see it before last week?—Not before last week, when notice came that the matter would be brought before the Committee.

3032. Will you tell the Committee what is the condition in life of these 69 prisoners?—I do not know all the prisoners; many of them are labourers on the quay.

3033. What is the condition in life of those you do know?—Some of them would be labourers on the quay.

3034. They would be all of the labouring class, I suppose?—There were two prisoners last year who were respectable persons—tradesmen.

3035. Of the higher scale of the artisan class?—Of the higher class of artisans.

3036. Did you visit them?—I did not.

3037. What is the condition intellectually and morally of the bulk of the prisoners; are they able to read and write, speaking of those whom you do know?—I could not answer that question, because, out of all the prisoners, I have not seen more than 14; I do not think within three years and a half I have attended the prison, I saw more than 14 or 15 different persons.

3038. Out of the 69?—No; out of 200 or more, who must have been there in three years and a half, if there were 69 in one year and three months.

3039. What is the intellectual condition, as far as you could observe, of those prisoners?—I think most of those that I saw could read and write.

3040. Do you know what is the character of the offences for which they are in the prison?—Stealing, and various other offences.

3041. Minor offences of larceny and assault, I suppose?—Yes.

3042. Independently of the crimes for which they were imprisoned, exclusive of every consideration of that kind, as far as you could form an opinion, what opinion would you form of their moral and religious character?—I can only speak of the 14 that I saw; I think they were all very well-disposed persons, and that I could have done a great deal of good with them; they were very well-intentioned men, and wanted to see me oftener, but so much trouble and bother was occasioned by their wanting to see the priest, that when he came they were so ashamed, and so put out, and so terrified, that I could do nothing; but if I could have had the power of seeing these men oftener, and so got over the awkwardness of my first interview, I could have done a great deal of good with them.

3043. They were persons who, in your opinion, were susceptible of moral and religious impressions?—Yes; but the great drawback was, that I could see them so seldom.

3044. Do you think that your attendance as a religious instructor, would have a great effect in increasing those moral and religious impressions?—Yes.

3045. Can you give an opinion as to whether the greater part, or the entire of your service would be required for the spiritual attendance of those 69 prisoners in this Bridewell, as religious instructor?—I do not think it would require all my services.

3046. How much of your attendance would they require, do you think?—I think if I could have had two days a week: one day for the women, and one day for the men for instruction, and for seeing them, and then, of course, a service upon the Sunday, at least one service, that would have been sufficient.

3047. Would you think two services would be a very good thing?—Yes; I should certainly say there ought to be two services.

3048. Is your church one of the secular or religious order?—It belongs to the regulars.

3049. Have you a parish?—Yes, we have a district.

3050. How many people attend in your district?—About 6,000 or 7,000 people.

3051. Of your people?—Yes.

3052. Are you supported by voluntary contribution?—Yes.

3053. Do you think the claims of your people upon your services would admit of your attending these 69 people sufficiently, without encroaching upon your parishioners' claims upon you?—it would encroach most decidedly upon their claims.

3054. You could not, in justice to your people, devote sufficient of your time to the instruction of these 69 prisoners?—I do not know about that, but it would inconvenience us considerably.

3055. And would it not impose additional burthens upon your fellow-clergymen?—Certainly.

3056. Mr. *Dimsdale.*] Have you made any application to the visiting justices to hold a Catholic service on the Sunday?—No.

3057. And I understand that you have made no application to be appointed chaplain, other than the one contained in your conversation with Mr. Canning?—None, except that.

3058. What was the date of that?—As far as I remember it was October or November 1869.

3059. And from that period down to the present he has not communicated to you any discussion which may have taken place before the visiting justices, or the court of quarter sessions?—He has not.

3060. You have made no further application, I believe?—Nothing further than that. I wrote a letter about a fortnight since, reminding him of his promise, and asking him what had been done in the matter; his reply was, that he would bring the matter before the magistrates at their next meeting.

3061. For the next sessions?—I do not know what he meant by their next meeting, but I suppose it is that.

3062. Mr. *Talbot.*] This is a city prison, is it not?—Yes.

3063. And only prisoners from the town come to the prison; there are no prisoners from the neighbouring country districts, I believe?—I do not know; it is called the county prison as well.

3064. It is, in fact, a town prison?—Yes.

3065. And you do not know the total number of prisoners?—Only from the reports.

3066. Do you know of your own knowledge what is the average number of Roman Catholic prisoners in the prison?—I do not.

3067. Have

3067. Have you long lived at Bristol?—Nearly our years.

3068. And you have no doubt taken an active nterest in the welfare of the Roman Catholics of hat town?—I have.

3069. Has it never occurred to you to ask what he average number of Roman Catholic prisoners the City Prison was?—I did so. I asked this isiting justice if he could inform me by referring the list.

3070. You seemed to be on friendly terms with he governor?—Quite so.

3071. Did you ask him what the average umber was?—I did. He told me then that here were very few, and he explained the very w to be about four or five.

3072. On an average?—Yes.

3073. And you have just told my honourable iend that you have never made any formal pplication to visit the prison; nothing beyond ese conversational applications?—I have never ade any other application.

3074. You say you have seen the Prison inisters Act?—I have.

3075. And you saw in that Act, did you not, at ministers of denominations other than that of e Established Church were allowed to visit isoners of their own denomination?—Yes, if ey were sent for, I think, or permitted.

3076. It does not say, "if they were sent for," the Act?—I think so. I understand it so.

3077. Did it not occur to you, when you saw e Act provided, that the magistrates were und to give permission, on application, to make regular formal application?—Yes, I did think it, and I had a conversation upon that subject. thought that before I did anything in the utter, I would speak to the governor, as I was good terms with him, and ask his opinion out it, and it was in consequence of his saying me that it never would be allowed, that it s no use bringing it before the magistrates as number was so small, that I did not stir in the utter. He also said, as I have stated, that if it s needed, he would allow me to visit the pri-ners at any time.

3078. He meant at any time you pleased, not en you were sent for?—Yes.

3079. Would it not have been a very easy and vious thing to do, to go and see if that was so? Yes, but I stated that after he had made that er, when I went to remind him of his promise, ask him for the list, he shielded himself ler the terms of this Act, saying that he could allow me to visit unless the prisoner expressly ed for me.

3080. You were satisfied with his interpreta-n of the law, and did not put your interpreta-n on it?—I did not contend with him; I thought est not to do so.

3081. You say there is no Roman Catholic vice in the prison, and you have never thought sking for any?—No, I have not.

3082. Have you any reason to suppose that ou had asked the visiting justices for permis-n to hold a service upon the Sunday, they uld have refused it?—Yes; I did not even template the idea.

3083. You are aware that Roman Catholic ices are held in many prisons?—Yes, I know

3084. Why did you think it would not be per-ed in Bristol?—The visiting justices of tol have the reputation of being opposed to man Catholicism.

3085. With regard to Roman Catholic prisoners who do not attend the ordinary service in the chapel, you are asked what would be their alternative?—I was asked that question.

3086. You know, I suppose, that there is no hard labour done on Sunday in the prison?—Yes, I know that.

3087. Therefore you know that the alternative between the treadmill and the chapel is an imaginary alternative, and not a matter of fact?—Quite so.

3088. The other alternative suggested was, that if they did not like to go to chapel they could only stay in their cold cells?—Yes.

3089. You have been in the cells, I suppose?—Yes.

3090. Those cells, I presume, are certified by the prison inspector?—Yes.

3091. And would not be cold in cold weather?—They would not be cold cells as far as that goes, but the prisoners would naturally be anxious to relieve the monotony and the tedium of remaining all day in their cells.

3092. Viscount *Enfield.*] Do you put this forward, that unless the prisoner is sick or dying you do not visit him?—No; but that I never visit the prison unless I am sent for.

3093. Mr. *Dalrymple.*] Have you any reason for thinking that your ministrations are sometimes asked for, and that the prison authorities do not give you notice to attend?—Only from what the prisoners have told me.

3094. You would consider it a very serious charge against the prison authorities, would you not, to neglect such an application?—I certainly would, and therefore I wish to be understood that that evidence lies simply upon what prisoners have said.

3095. From what you have seen of the governor upon different occasions (for you mentioned that upon one occasion of your visiting the prison he told you of another person whom it was desirable that you should see), you would be of opinion that he was willing to give you all possible facilities?—He has always been exceedingly fair and courteous towards me, and always gave me every facility, as far as I could judge.

3096. Mr. *Guest.*] You stated to the Committee that when you went to see this boy the governor told you that there was a woman seriously ill, whom he supposed to be Roman Catholic?—The governor's words were: "Now you are here there is a woman here I should like you to see; she is dying, if not dead; she is an Irishwoman, I presume, being of the name of Sullivan, and I take it upon myself to ask you to see her."

3097. I suppose you know that when prisoners come to the gaol their creed is registered in a book?—Yes.

3098. So the governor could have been in no doubt with reference to that woman's creed?—No; I suppose not.

3099. It was not, that this woman had registered herself as a Protestant, but that he had reason to suppose that she was a Catholic?—I really do not know as to that, but I have reason to know that prisoners do sometimes register themselves as Protestants when they are Roman Catholics.

3100. How do you know that?—Because they have told me so.

3101. Have you ever heard of cases in which Roman Catholics have registered themselves as Protestants,

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Protestants, and afterwards have been allowed to send for you to see them?—I do not know a case of that sort.

3102. But you say that Roman Catholics have registered themselves sometimes as Protestants?—Yes.

3103. Do you know why they have done so?—The prisoners thought they would be served better.

3104. In what respect?—They thought they would be persecuted if they represented themselves as Catholics.

3105. By whom did they think they would be persecuted?—By the warders.

3106. What difference do you fancy would be made?—That the Roman Catholics would have all the harder work given to them.

3107. That was merely a supposition on their part, as far as you know?—I have nothing more than their supposition.

3108. You do not think yourself that there would be any possibility of a difference of treatment being shown to the Roman Catholic prisoners?—No; as far as I know, there is great fairness shown to the Catholic prisoners.

3109. Did you ever know a case of a prisoner having done this on more than one occasion?—I think two cases have come under my knowledge of persons who have entered themselves as Protestants when they were Catholics.

3110. You do not know that they have repeatedly done so?—I do not.

3111. You stated that you knew two cases of prisoners who, after their release, went to you and complained that when they had asked to see you, you had not been sent for?—Yes.

3112. Do you know their names?—No, I did not inquire their names, as far as I can remember.

3113. Were you certain that they had been in the gaol?—Yes.

3114. Did they belong to your neighbourhood?—Yes.

3115. Did you make any complaint to the governor respecting that statement?—I did not.

3116. Nor to the visiting justices?—No; and I would not even have mentioned it now if I had not been asked, as I do not rely so much upon the statements of these men, and, moreover, I did not wish to say anything that would irritate the governor, as I wished to work well with him; I never made it the ground of complaint.

3117. Did you say just now that you did not quite rely upon their words?—Yes, I said so. I should not take very much into account the complaints of the prisoners; but I think there is a little more importance to be attached to this than to most statements of prisoners, on account of its coming from two or three persons, and also on account of the woman Dwyer telling me she supposed her son must have sent for the priest; moreover, there is another confirmation: several persons, when they have had their boys, or their friends in the prison, have come to ask me, knowing that I had charge of the district containing the gaol, to visit them, and I have invariably said that I cannot visit unless I get an order, and I have told them, "You must go back, and when you see your friends in prison, you must tell them that if they wish to see the Roman Catholic priest, they must ask for him." So many have gone away understanding this, and yet so few have sent for me, that I cannot help thinking there must be some foundation for these statements.

3118. You are perfectly well aware that under the Act of Parliament, when the prisoners ma a request to see you, they were entitled to yo services if you had come?—Yes.

3119. Were you not indignant at the fact your not having been sent for?—Yes, certain I felt so.

3120. Why did you not apply to the govern or the visiting justices when you knew that y had the law on your side?—I foresaw that should be driven to this: the governor or visiti justices would say, "Who told you?" I shou say, "These men;" and they would say, "I you believe these men?" I am certain M Gardner would say that directly; he would sa "The prisoners will say anything."

3121. How are you certain of it?—From wl he has said on similar occasions.

3122. You imagine that from his general to towards you?—Yes, I knew that I should ha gained nothing.

3123. You told the Committee that Mr. Ga ner informed you that there were four or fi prisoners in the gaol during a certain week? He was speaking of a particular week.

3124. You have no doubt that there are ve many more there generally?—No, I do not thi so.

3125. Because the returns here are 69 prison for 16 months, which gives about four or five the month?—Yes.

3126. They are in for short terms, I suppo —Some of them are there for three years, think, 12 months, and six months, and all th who have been committed for trial, and a awaiting their trials, are sent there.

3127. Have you known any cases in which prisoners have suffered from attending the P testant service, that is to say, who have forsak the Roman Catholic creed?—No, I have kno of no such cases.

3128. You only look upon that as an outr to their feelings?—It is little more than that.

3129. You do not know of any harm occurr to them by attending the Protestant service?- know of no harm resulting from it.

3130. It has not been made a vehicle of p selytism?—I never heard of that.

3131. You are acquainted with the chapl of the gaol, I suppose?—I do not know him have been there so seldom.

3132. You have no complaint to make agai him, I presume?—No, none whatever.

3133. From whom did you receive permiss to visit the prison?—I never visited the pri unless a letter came from the governor request me to visit a prisoner.

3134. Why did he particularly write to y —Because it was an arrangement amongst clergymen at our house that I should have c of the prison.

3135. Mr. *Knatchbull-Hugessen.*] I supp however comfortable the cells might be, and h ever well-arranged, still the monotony of soli confinement would be so tedious and painful it would be a great temptation to a Catholic soner to be told that he might break that mo tony even by attending Protestant worsh —No doubt, and that was the reason t generally gave for going to the Protes service.

3136. Have you ever considered the posi in which you think you ought to stand with gard to the gaol which you visit?—Yes.

3137. Do you think that you should be u terms of perfect equality with the Protes chapl

haplain; I do not mean as regards salary, but as regards permission to visit the prisoners of your persuasion freely?—Certainly.

3138. And with regard to salary, have you ever contemplated the fair and just way in which a minister with only five, six, or 10 prisoners per month to attend to should be remunerated, contrasting his position with that of a minister visiting a much larger number of prisoners?—No further than this, that some kind of sum proportionate to the number should be paid.

3139. Would you be satisfied provided there was apportioned to you a capitation grant, that is to say, a sum of so much per head, according to the number of prisoners?—Yes, supposing the grant were in proportion to that given to the Protestant clergyman.

3140. In proportion to the number of prisoners, rather?—I mean, that the sum paid to the Catholic priest for attending his number of prisoners, should be proportionate to that which is paid to the Protestant clergyman for visiting his.

3141. Would that be more satisfactory to you than a small fixed stipend?—It is so hard to fix the sum, that I think it would be better to go upon some capitation rule: it would depend upon too many different persons' ideas then, so that you might get very little, and not sufficiently remunerative.

3142. I understand, as a matter of fact, that you are not able to say that the magistrates have ever positively refused to appoint you, but that they have ignored the whole subject, or never taken it into consideration?—It is possible that Mr. Canning never brought it under consideration at all.

3143. Mr. *Downing.*] You used the expression, "Knowing that I had charge of the district"; you meant by that that you were appointed to it by your superior?—I meant nothing more than that.

3144. You also said that you only attended when sent for?—Yes.

3145. Would you not consider it your duty, if you had free permission to attend the gaol, to visit more frequently?—Certainly.

3146. You had not what is intended under this Act of Parliament, namely, permission as a Catholic priest to go there when you pleased?—No.

3147. Do I understand you rightly, that you would consider, as a clergyman, that it would be better for you to be paid so much per head for each prisoner of the Catholic persuasion who was in the gaol, than by a fixed sum?—As far as I understand the matter, I think so, but I have not quite made up my mind about it.

3148. You have not made up your mind about it?—I think, whatever you pay, it should be something proportionate to what is paid to the Anglican clergyman.

3149. And do you not think, even though there may be a very small number in the gaol, you would hold it your duty to visit them, probably, once a day, if you were the paid chaplain?—I hardly think it would be necessary to visit them once a day, unless there were a great many prisoners; if I could get the work through in two visits in the week, I should think that sufficient.

3150. You never did apply for permission to have service on Sunday?—Never.

3151. Mr. *Synan.*] When you talk of proportion with respect to salary, do you mean a salary proportionate to services, or proportionate to heads?—I think you should consider, first of all, the sum to be paid per head, which sum should be proportionate to that paid to the Protestant chaplain.

3152. We are going to fix the sum, and in order to ascertain the sum and the scale, we fix upon the proportion; would you think the proportion ought to be to the services rendered, or to the number of heads to whom the services were rendered; which scale would you prefer?—I rather think it should be proportionate to the number of persons.

3153. Than to the services?—Yes.

3154. That brings me to another point; you can instruct your prisoners in a body, cannot you?—I should like to do so.

3155. I find by this Return that the Protestant chaplain has 761 prisoners to attend to, and that you have 69 to attend to; cannot the Protestant chaplain instruct a large number of the 761 together; he need not take them man by man?—I do not know. I suppose he sees them together.

3156. Can he not do so?—I do not know what he does.

3157. I am not talking now of confession; could not you give religious instruction to your people either in twenties, or thirties, or sixties?—Just as well and better than singly.

3158. Therefore is it not a fair inference from that, that it might be as easy to give religious instruction to 200 people in the prison, as it would be to 69, apart from the question of confession?—No, because besides general instruction, you must always deal with prisoners individually.

3159. Apart from that, it would be as easy to give general instruction to the 200 as to the 69, would it not?—Yes.

3160. Then ought not the salary rather to be regulated in proportion to the services rendered, than to the number to whom they were rendered, judging from those two admissions of yours?—I think you ought to consider both questions, and that was what I wished to have stated in the beginning.

3161. Let me ask you this, in order to set a matter right upon which perhaps I may have fallen into an error, which I did not intend to do; suppose the option was given to those prisoners between remaining in what I called the cold cell, but which is said now not to be a cold cell, and going to the church, (I do not care whether it is a Protestant or a Catholic service, no matter of what religion the prisoners are), which would they prefer?—The church, unquestionably.

3162. With respect to proselytism, I am not sure that I understood your answer upon that point; if a Protestant is in a Catholic country, and is influenced at all by the regulations of the prison to go to the Catholic service upon the Sunday, or if a Catholic in a Protestant country is influenced by the rules in the prison to go to the Protestant service on the Sunday, do you not think that that has an indirect tendency to proselytise; what is your opinion with reference to the effect of that morally and religiously upon the prisoner?—It may indirectly tend to proselytise; but I do not think that it is the intention of the authorities of the prison.

3163. I am not talking of their intention, but I am talking of the effect that that would have upon the prisoner?—I think it ought to have that general effect; but whether it has or not, I cannot say.

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3164. I am not talking of individuals, but I am talking of it in a general way?—Then I think it might.

3165. Is not that its natural tendency, I ask you?—Yes, I think it would tend to that.

3166. In reply to a question put by an honourable Member, you stated that in a particular week you were informed that there were only four or five Roman Catholics within the prison; was that particular week between the 3rd of April 1868 and the 28th of July 1869; was it within that year and a half?—As far as I remember, it must have been about this time last year.

3167. Then it was within that time?—Yes.

3168. Sir *John Pakington.*] You have been asked about the time required, and so on, for the spiritual instruction of 761 Protestants and 69 Roman Catholics; but you are of course aware that those were the numbers spread over a year and a quarter, and that those figures give us no guide with regard to the actual number of prisoners professing those religions respectively at any one moment?—That is so.

3169. I do not understand from you that you have any reason to doubt the accuracy of the statement made to you that in that week there were only four or five Roman Catholics?—I think not.

3170. You stated to the Committee just now, in answer to a question, that you had only, in the course of your three years' ministration, seen about 14 prisoners?—Yes, that is so.

3171. Were any of those 14 prisoners persons in health, or were they all persons in whose cases you were sent for on account of sickness?—There were only two on account of sickness.

3172. All the others were persons in health who had asked to see you?—Yes, for their own consolation.

3173. What proportion of the 14 were women?—I can only remember about three or four women.

3174. *Chairman.*] Is there a lesser number of women in the gaol than men?—I think the governor told me that it was very seldom that they had any Catholic women there at all.

3175. Then there was a lesser number?—Certainly.

3176. With reference to that impression which you mentioned upon the mind of the prisoners (whether you think there was anything to justify it or not), the impression exists that, by entering as Protestants in a prison where there are no Catholic servants and no Catholic service, they will be better treated?—Yes, our people think so.

3177. You yourself do not attach much importance to it, as matter of fact, but you attach importance to it as existing in their minds?—Yes.

3178. So that if there were a Catholic chaplain and a Catholic service, and everything else, on a scale of perfect equality, you are of opinion that no such thing would be likely to happen?—I think it would do a great deal to remove the objection.

3179. Mr. *Synan.*] Did I understand your answer to a question of the Right Honourable Baronet to be that you had no reason to doubt, when you were told that there were only four or five prisoners in the gaol at this time twelvemonths, that that information was accurate?—I had no reason to doubt the information being accurate.

3180. Do you believe that there were only four or five Catholic prisoners at this time twelve months in this prison?—Yes, I think so, seeing that there were only 69 in the course of 1 months.

3181. Mr. *Talbot.*] Do you know that many prisoners, unfortunately, go to prison several times over, so that those 69 prisoners who were sent to the prison between April 1868 and July 1869, might have been the same persons to a certain extent, and not altogether separate individuals; might not that be so?—Yes; but in those cases their sentences would be very short and that is not the general rule in the prison.

3182. But sometimes we know that Irishmen take a little too much on Saturday night, and they might be put in there more than once for a like offence?—No; I think such persons would not be confined there, for they only send the long sentenced prisoners there, from three months to three years.

3183. They would not have been there if they were sentenced for three years, as that is considered penal servitude, and they would therefore go to the convict prison if they were sentenced for more than two years?—That would be so. I do not think that there would be many recommittals, for those sent for three days or a week are not sent to that prison at all; all terms of imprisonment like three months and six months are sent to the House of Correction.

3184. I suppose you have not ascertained what is the minimum imprisonment in the City Bridewell?—No, I have not.

3185. Then with regard to this other point upon which something has been said of the treadmill and the cold cell; you know that the alternative is never between the treadmill and the chapel, and never between the cold cell and the chapel?—Never.

3186. Therefore it is a purely imaginary alternative?—Quite so.

3187. Are the prisoners allowed to read books in the cells?—Yes; but they must be approved of by the governor.

3188. Therefore it is not the fact that those persons would be left in their cells on the Sunday without having books to read; they would have the privilege of reading books?—I do not know that, but I have no reason to doubt, if they asked permission to read books, they would obtain it.

3189. Sir *John Pakington.*] What do you say is the shortest sentence ever sent to this Bridewell, according to the rules?—The clerk told me there was no rule about it, but the general practice was that those who were sentenced for six months and upwards were sent to the City Prison as well as those who were committed for trial; but he also said that sometimes, when the other prison, which is called the House of Correction was full, they even sent those prisoners committed for three months, and for shorter times, to the City Bridewell.

3190. Is this what I understand you now to state, that in some events, as in the case of the House of Correction being full, the short-sentenced prisoners are sent to the Bridewell?—Yes.

3191. And also that the Bridewell is resorted to for the detention of prisoners waiting their trial?—Yes.

3192. Are all the prisoners awaiting trial for offences committed within the city sent to the City Bridewell?—Yes.

3193.

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3193. So that I presume of the aggregate number of prisoners in the prison, a considerable number would be prisoners awaiting trial?—I suppose so.

3194. Could you give the Committee the proportion of those?—I cannot give the proportion.

3195. Mr. *Synan.*] Can you give the Committee the average time of detention in the City Bridewell?—I do not know that.

3196. Mr. *Guest.*] Have you ever seen any of the books which are given to the prisoners in their cells?—No, I have never examined the books; I have seen books in the cells, but I have never opened them.

3197. Have you never heard complaints by the prisoners, of books of a nature objectionable to Roman Catholics being supplied to them?—They have never made any such complaint to me.

3198. I understand you to say that you would consider one day a week for males, and one for females, would be sufficient for your ministrations?—Yes, I think so.

3199. And did I also understand you to say that you considered if the Catholic priest performed a service on the Sunday he was entitled to remuneration?—Yes, I think he would be entitled to remuneration.

3200. But you do not think that he would require more time than you have specified?—I think not.

3201. Did I understand you to say that there was a Protestant service twice on Sunday?—I do not know for certain, but I think so.

3202. Do all prisoners go twice to the service?—That I do not know.

3203. You do not know whether the prisoners go half in the morning and half in the evening, or whether the same prisoners attend twice?—I do not know that.

3204. Sir John *Pakington.*] You have been asked your opinion with reference to the proselytising tendency of Roman Catholic prisoners going to the Protestant worship; within your own knowledge have you ever known a case in which a Roman Catholic prisoner has become a Protestant in consequence of attending the Protesant service?—I have never known such a case.

The Rev. THOMAS DYKES, called in; and Examined.

Rev. *T. Dykes.*

3205. *Chairman.*] YOU are stationed in the missions at Bristol, are you not?—Yes.

3206. Do you ever visit any of the gaols at Bristol?—I have visited sometimes at the House of Correction.

3207. Will you take that return in your hand, and tell me how many Roman Catholics there are at the date mentioned there?—I see here that they are put down at 289; that is from the 3rd of April 1868 to the 20th of July 1869.

3208. Do you know what is the average daily number?—I have no means of knowing.

3209. Do you get any returns?—I have never received any returns.

3210. You have no reason to think that that return is incorrect?—I suppose it is correct.

3211. Do you visit that prison without being sent for?—No; I do not visit the prison, unless I am sent for.

3212. When did you first visit that prison; how many years since?—I do not know exactly, but I think about five years ago.

3213. How many times have you visited it during that time?—I have been in Bristol nearly eight years, less three months, and during that time I have been sent for to the prison, as far as I can remember, about eight times; if I were to say 10 times, I should be within the mark.

3214. Within what period is that?—Within a period of nearly eight years.

3215. But you have visited the gaol, have you not, more than those 10 times?—Whenever I visited a prisoner once, I used to ask leave to visit that prisoner again, and I used to go once every week to see that prisoner.

3216. You got permission, when a prisoner had once sent for you, to visit him?—Yes, I used to go to see the prisoner once a week.

3217. As I understand, you visited 10 prisoners, but you visited those 10 prisoners oftener than one time each?—Yes, certainly.

3218. Do I understand you to say that you were invited to attend the prison about 10 times?—Yes.

3219. That is to say, to visit 10 different prisoners?—Yes.

3220. But you represent that, when you saw a prisoner for the first time, you asked permission to visit him again?—Yes, that was so.

3221. So you might perhaps have made 50 visits?—I have not been so often as that.

3222. But you have made a much larger number of visits than 10?—Yes, certainly.

3223. Did you know that there was so large a number of Catholic prisoners in this prison as 289?—I had not the slightest notion that there was so large a number of Catholic prisoners as that.

3224. Do you now know how many there are?—I see it now.

3225. Did you ever apply for permission to visit the prison?—No.

3226. Why not?—Because I thought it was no use.

3227. Why did you think it was no use?—Partly from the feeling that exists at Bristol, and I may state that the prisoners are mostly in for a short time, and I do not feel so anxious about their being visited as the prisoners in the larger prison; and, further, I thought I would wait to see what was the effect of an application that was being made with respect to the larger prison, in which the prisoners are confined for longer terms, before I took any steps.

3228. What application are you speaking of; did you know that Mr. Myers was about making an application?—He made it by my direction; I advised him to do so.

3229. You heard that that application was an indirect one?—He made an application to see the prisoners who were in the City Bridewell, as he stated here, and, as the Committee have heard, it was refused.

3230. That refusal governed your conduct?—That refusal partly governed my conduct.

3231. You thought it perfectly hopeless to make a similar application?—I considered it perfectly hopeless.

3232. And therefore you made no application?—No application whatever.

3233. Do you know whether there is Divine

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Service according to the Protestant rites celebrated on Sunday?—I believe there is.

3234. Do you know whether there is service twice on Sunday, or once?—I do not know that.

3235. Do you know whether Catholic prisoners attend that service?—I have been told that they do by one or two prisoners.

3236. Do you think that a small number, or the majority of them, or the entire of them, attend the Protestant service?—I have no means of knowing, but I should think, from what they said, that the whole of them did.

3237. What did they say which led you to form that opinion?—I cannot remember exactly, but I remember one of them saying that they had been themselves, and that the other Roman Catholic prisoners also went; I think a boy of the name of Sullivan told me that they went.

3238. What was the motive that impelled them to attend the Protestant worship?—I suppose they did so to avoid the monotony of being in their cells.

3239. Do you know that that is the motive which has influenced prisoners in similar cases?—I have been told so.

3240. And you have no reason to doubt it?—I have no reason to doubt it.

3241. Have you been told so by other clergymen visiting prisoners?—Yes, I have.

3242. In fact, might I say that it is your conviction that it is so?—Yes, it is my very strong conviction.

3243. If you had permission to visit that prison freely, would you be anxious to give the prisoners the benefit of religious worship on the Sunday?—I should be very glad either to do it myself, or to get it provided for.

3244. You would get it provided for?—I would get it provided for if I could.

3245. Is it the fact that within the last few years, if you could have had Divine Service on the Sunday, you would have procured it either by going there yourself or by obtaining the services of another clergyman?—Yes, I would have done so.

3246. But you thought it perfectly hopeless to attempt it?—Perfectly hopeless.

3247. The prospect of denial prevented your applying for permission?—Yes.

3248. Sir *John Pakington.*] The prisoners are mostly there for short periods, are they not?—Yes, mostly for two or three months. I do not remember a case in which a prisoner was in for a longer period.

3249. From that down to the shortest sentence?—Yes.

3250. Do you attribute to that cause the fact that the number of Roman Catholics who are in this House of Correction appears, during the 15 months mentioned in the report, to be so much larger than the number in the Bridewell?—I think so.

3251. Is it within your knowledge what the number of Roman Catholics in the House of Correction at any one time was?—No, it is not.

3252. Mr. *Downing.*] How long have you been a priest?—I have been a priest for about 15 years.

3253. Are you a superior at present?—I am at present.

3254. Have you a large parish?—We have nearly the whole of Bristol.

3255. Will you tell the Committee what is the Roman Catholic population of your mission?—Some put it down at about 6,000, and some at 8,000 or 9,000. It is difficult to determine exactly, being spread over the greater part of Bristol.

3256. How many clergymen have you?—Sometimes there are three, but at present there are four.

3257. Are they a poor population?—The greater part of them are of the very poorest class.

3258. I suppose your emoluments and those of the other clergymen, are not very large?—No, very large.

3259. You said that if you had permission to celebrate mass upon the Sunday, you would make provision for it?—I would.

3260. Could you do that without employing an additional priest, or without putting additional labour upon your brother clergymen?—I think I should be obliged to have an additional clergyman; if we had Divine Service in the two prisons we should certainly be obliged to have an additional priest.

3261. And if that additional priest was to be paid, that would still lessen the humble sum which you derive from your parishioners?—It would very much.

3262. I think that you have already stated that you never did make any such application?—I never did make that application.

3263. Did you ever go to the gaol for the purpose of visiting prisoners without being sent for?—I think that on one occasion, where a mother had spoken to me about her son being in the prison, I begged leave to see the governor, and asked him if I might be allowed to see the prisoner; he gave me permission, and I visited the prisoner as long as he was in the prison, once a week.

3264. Did you ever apply to the justices for permission to visit the prison?—Never.

3265. Mr. *Synan.*] When you talk of visiting the prison eight or 10 times, you mean visiting eight or 10 persons?—Eight or 10 distinct calls to individuals.

3266. Were you aware of the state of the law with respect to ascertaining the creed of prisoners?—I was not aware of it.

3267. Could you tell the Committee what, your opinion, would be the average number of Roman Catholics in the prison at any one particular time; I do not want you to be accurate but to give it approximately?—I can only give a rough guess from the numbers which I see in the prison returns; and, putting them down at the average of about one month each, that would make somewhere about 18 or 20 at a time.

3268. Do you know what is the longest term of punishment in your prison?—I think I have certainly known them in for two months, and believe for three months.

3269. What, in your opinion, is the effect upon the religious impressions of your people, resulting from going to the Protestant services on Sundays, to avoid being confined in their cells?—Of course the direct effect is to unsettle them in their religious belief as Catholics.

3270. Do you know anything of the books which the prisoners have in their cells?—They had, I know, often the Protestant Bible lying in their cells.

3271. Have you seen any other books in their cells?—I do not remember any other books.

3272. Do you know by whom the books are supp

pplied to the prisoners in their cells?—I do ot know that.

3273. What is the general position and cha- acter of those prisoners?—Those that I have seen ere generally of the poorest class.

3274. Uneducated?—Mostly; very often the risoners could not read or write.

3275. Are they open to religious impressions? —I think, with some of them, it is the only hance we have of doing them any good. They re lounging about the streets, or in bad com- any the whole of the day, when they are out of rison, and the only chance you have of getting old of them is when they are in the prison.

3276. Have you found visiting the prisoners be of any use?—I have found it to be of great se. They were persons who would not have stened to me out of the prison, but when hey have been in prison they have been very lad to see me.

3277. With reference to the question of the emuneration of the Catholic priest, would you x that remuneration in proportion to the num- er of the prisoners or to the services performed? —I have never considered that question.

3278. Sir *John Trelawney.*] I believe you ave not formed any opinion with reference to vhat remuneration would satisfy you?—I cannot ell what that amount would be.

3279. Will you tell the Committee what would e the minimum cost of the fitting up a chapel n the prison?—I could hardly tell, as so much vould depend on the requirements. I suppose n this case it could be fitted up for about 10*l.* or 5*l.*

3280. Would 10*l.* or 15*l.* cover all the ssentials?—I think it would cover all the ecessary expenses, as we could, of course, partly upply things ourselves.

3281. I presume you speak with regard to the mallness of the number of the prisoners, because ve have heard in evidence that a larger sum would be required?—I do not think that would nake a very great difference, but I say so in this ase, because we could supply some of the things hat would be required from our own chapel. If hey were bought new it would cost more, but aving already a great number of things in use, ve could supply them more cheaply than if we ad nothing to fall back upon.

3282. Do you know any instances abroad, in which the same chapel is used for both the Pro- estant and the Roman Catholic service upon the ame day?—I am not very well acquainted with risons abroad, and therefore I could not say.

3283. If it is true that there are such things abroad, do you think there is any objection to such a system being carried out here?—I do not think there would be any great inconvenience in it. I think it has been done in cases of army chapels, I know a case in the neighbourbood of Bristol, in the barracks of Horfield, where the chapel has been used for the Protestant service, and also for the Roman Catholic service.

3284. Would not the effect be to give a greater space to the congregation, and more comfort and ventilation?—Yes, but I think at the same time that the Catholic prisoners would value the ser- vice, and think more of it if they had a chapel, which they knew was entirely their own. I think they would look upon it as a more sacred place, and it would have perhaps a better effect upon them in that way.

3285. Lord *Henley.*] Is this a city or a county gaol that you are speaking of?—A city gaol.

3286. What is the constitution of the Govern- ment of the gaol; is it the town council, or what? —I do not know; I think it is the town council.

3287. Do you not think you might possibly have succeeded with them if you had made appli- cation for permission to administer your religious rites at the prison?—I could not say; from what I know now I think perhaps I might, particularly if I had been able to point out the Act as I see it now, but I was not aware that there were those facilities given, and therefore I did not take that step.

3288. Do any members of the town council, to your knowledge, belong to your church?— None of the visiting justices or magistrates do; there is an alderman in the town who is a Catholic.

3289. You have not conferred with him at all as to the possible success which you might meet with in applying for permission to attend the prison?—I have not.

3290. You have heard of no case in which these authorities have refused any application from your predecessor or other Roman Catholics of a similar nature?—No, none has ever been made.

3291. Mr. *Talbot.*] It is considered very wrong, is it not, for any member of your church to attend the services of the Church of England? —It is considered wrong.

3292. You would reprove any member of your flock who did attend those services?—I would reprove any member who was out of the prison.

3293. As a matter of conscience, they ought not to do so?—No.

3294. If that is so, has it not occurred to you that it would be worth while applying for leave to hold a Roman Catholic service?—My motive for not doing so was that I thought it might do more harm than good.

3295. What harm could it do?—I thought perhaps I might have less facilities for seeing the prisoners.

3296. At present, have you facilities for seeing the prisoners?—I have only seen those who have sent for me, or for whom I have been sent; that is to say, the governor has sent where the pri- soners have asked for me to see them, or where mothers have asked for me to see their children in the prison.

3297. Have you ever gone to the prison and been refused admittance?—Never.

3298. As far as you know, you might go once a week, and ask to see a Roman Catholic pri- soner and not be refused?—If I had known what the Act was, I should have taken it down and shown it to the governor.

3299. Independently of the Act of Parliament, as far as your experience goes, if you thought it your duty to go to the prison once a week and ask to see the Roman Catholic prisoners, you do not know that you would have been refused?— I do not know that I should.

3300. The visiting justices having treated you with that amount of courtesy, would it not have been well to have gone on and asked leave to hold service on Sunday?—I thought I should have no chance of obtaining leave, and therefore I did not think it worth while to apply for it.

3301. Mr. *Guest.*] I think you said, there were altogether

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altogether in their parochial district, four priests?—There are four of us who live together.

3302. Does that include the whole of Bristol?—No; there is one, a much smaller district at the east end of Bristol. There is a priest besides who looks after Bedminster, which is on the other side of the river; and there is the Clifton district, but the great mass of Bristol falls within our district.

3303. Are both the prisons in your district?—Yes.

3304. Therefore, Mr. Myers is included as one of the four?—He is one of us.

3305. You told the Committee that the only book you have ever seen in the prison cells has been the Protestant Bibles?—Yes.

3306. You know that it is a Protestant Bible?—Yes.

3307. Have you seen no other books besides in the prison?—I do not remember seeing any other books.

3308. You have seen nothing but that one book?—Nothing but that one book, so far as I remember.

3309. Have you ever made an application to the visiting justices or the governor to be permitted to supply Douay Bibles to the Roman Catholic prisoners?—I asked permission to give the Catholic prisoners a Catholic Prayer-book.

3310. When was that?—I cannot tell when it was; I asked on two or three occasions for permission to give the Catholic prisoners a Prayer-book.

3311. In what year was that?—It was about two or three years ago.

3312. Was that application refused?—No, the governor told me, I think, he should have to show it to the Protestant minister; the impression is strong upon my mind that his words were, "I must show it to the minister, and if he has no objection it shall be given to them."

3313. What reply did you make to that?—I said nothing at all.

3314. Did you supply those Prayer-books?—Yes, they were given.

3315. How many did you supply?—I think three or four.

3316. Not more?—No.

3317. That was three years ago, was it not?—Three years ago.

3318. You have only seen, I believe, about three prisoners during the last three years?—I do not think I have seen more; I should say within the last two years I have seen about three prisoners.

3319. Do you not think it a very important thing that the Roman Catholic prisoners should have a Bible and Prayer-book belonging to their own faith?—Yes.

3320. But you did not think it necessary to apply for a Bible?—We do not attach so much importance to the indiscriminate reading of the Bible as the Protestants do.

3321. You stated that you thought that you could supply the chapel for 10 *l.* or 15 *l.*, but that if the things were new they would cost more; what do you think they would cost if new?—I do not think it could be done under 25 *l.*, or even more than that.

3322. From 25 *l.* to 30 *l.*, would you say?—Yes, I think that would be a fair sum; I do not mean that you could supply any articles of a very ornate character, but simple and decent things I should think could be got for th sum.

3323. Do you know whether there are an Roman Catholic warders in the prison?—I b lieve there are not.

3324. You stated, I think that 18 would b about the number of Roman Catholic prisone in the prison?—I really have no means of findi that out.

3325. You have no reason to doubt the acc racy of the returns?—None whatever.

3326. That would give us an average of abo 18?—About that.

3327. How much time would it take a minist to see those prisoners?—If I had to see tho prisoners separately, it would hardly do to giv them less than about 20 minutes or 25 minutes ea by themselves. Of course, if one could assemb them together you could get through the wor very much more easily, and give them instructio in half an hour perhaps; you could not do muc good under that time.

3328. Once or twice a week?—Yes.

3329. *Chairman.*] Each prisoner?—Yes, se also each one by himself.

3330. Mr. *Guest.*] About three days in th week, you think, would suffice, do you not?—I should think it quite sufficient if I saw the pr soners by themselves, to see each prisoner once week. If we could devote a priest to that pu pose, he would, no doubt, see them more frequentl than that.

3331. You would consider, if there were on priest told off to minister to the Roman Catholic in the prison, that he would not have very sever labour in the gaol, if that was his only duty?—I he had to look after the two prisons, as they ar at a considerable distance from each other, i would be a good deal of labour.

3332. I suppose there are females in this hous of correction?—Yes, there are females there.

3333. Do you think there would be sufficien work in the house of correction to justify th payment of a Roman Catholic minister?—Yes I should think so.

3334. But you would think, as I understan you, that it would be better to have one pries for the two prisons?—I am supposing now tha there was the means of living for another priest then, perhaps, he might have a little extra worl in looking after a hospital or two.

3335. Mr. *Knatchbull-Hugessen.*] You hav heard no complaint of Catholic prisoners being treated less well than the Protestant prisoners —No, I have not.

3336. Have you found any persons who ha been prisoners who have complained after leaving the prison that they had expressed a wish to se you, and that you had not been sent for?—No, I have not.

3337. *Chairman.*] With reference to the ques tion of fittings, fittings would necessarily include vestments of which you would require more than one set, would you not?—Yes, four sets would be required.

3338. And sacred vessels; if you had an even ing service, benediction, you would require a very valuable silver vessel, would you not?—You would require a remonstrance.

3339. And are there not very valuable vest ments worn by the Catholic clergymen?—Yes, there are the cope, chasuble, and the alb.

3340. And

3340. And there are the other things required or the altar?—Yes.

3341. Even taking all those things and providing them decently, if you got 30 *l.* to provide very necessary for those two services, you would e rather out of pocket than otherwise, would ou not?—Certainly. I think, perhaps, doing it the very cheapest way you could, you might et things that would look decent for about 30 *l.*

3342. Would that include everything?—On econd thoughts I should think it would cost ore.

3343. Do you not think that 50 *l.* is something ke a moderate sum to provide all those things?—Yes, I should think 50 *l.* would be.

3344. Do you base your answer to my question bout the cost of those various necessaries upon calculation of what they would individually ost?—No; I have never had to fit up a chapel, o that I do not know what they would cost.

3345. But supposing you had to fit up a chapel, nd to provide it with every necessary for the Catholic service, you think 50 *l.* would be a very fair verage for an ordinary supply?—Yes, I think it ould be done decently for 50 *l.*

3346. But with reference to your visiting, let ne ask you this: there was on your part no hrinking from duty, no unwillingness to attend he prison, but you really thought it hopeless to sk for permission to do so?—Yes.

3347. You did not consider that you had any ight to do so, as you had no facilities afforded ou unless you were specially invited?—My elief was that I had no right to go there unless was sent for.

3348. Mr. *Downing.*] Reviewing your conduct s a priest towards the Catholic prisoners in these aols, I might venture to say that you will admit hat you did not do your duty if you knew what he law was?—I will admit that I did not know hat the law was.

3349. Mr. *Synan.*] When you spoke of 10 *l.* r 15 *l.* being sufficient to provide what was ecessary, I understood that it was on the condiion of your being able to procure from your ther chapel some of those essentials?—That was o.

3350. And it is allowing for those essentials hat you would procure of your own, that 10 *l.* or 5 *l.* from the authorities would be sufficient to do hat is necessary, and to fit up the tables and eats?—I am not speaking of seats, and things of hat kind, but I would be content if I could get 0 *l.* or 15 *l.* offered me by the Town Council or he prison authorities. I would accept it willingly, nd try and provide the necessaries and essentials or myself.

3351. With regard to the question by the onourable gentleman opposite, as to why you id not apply (even though there never was an Act of Parliament to warrant the application) to the authorities for liberty to have service upon Sundays, did you consider that application of Mr. Myers in the other prison substantially as an application for yourself; that it would answer both purposes, whether it was refused or conceded?—I thought that what was said to Mr. Myers showed me that there was a very small chance, or no chance whatever, of my succeeding in my application.

3352. I understand you to say that you put Mr. Myers forward for the purpose of testing the will of the authorities upon the subject?—Yes, on account of the prisoners being confined there for longer terms. I looked upon that as the more important prison of the two, and therefore I put him forward to make the application.

3353. The result of that application would decide the matter for you as well as for him, would it not?—Yes; I should know whether it would be of any use making the application.

3354. You told the Committee that most of your people in the prison were uneducated?—Yes, mostly so; they are generally very poor.

3355. And it is, I presume, in relation to that uneducated class that you do not consider reading the Bible pure and simple, as being either very useful or essential?—That is so.

3356. Mr. *Guest.*] Is it necessary that the vessel mentioned by the honourable Chairman should be of silver?—The cup of the chalice must be of silver.

3357. *Chairman.*] I asked you with reference to the Remonstrance for the Benediction; need that be of silver?—It need not be of silver; it must be gilt or silvered.

3358. Mr. *Guest.*] It is not actually necessary that it should be, is it?—One part of it must be.

3359. The cup you mentioned, must be of silver, must it not?—Yes; the cup must be of silver, and it must also be gilt inside.

3360. With regard to the other things, there is no necessity to make them of very costly materials?—No; there is not.

3361. Do I understand you to say that they would cost at least 50 *l.*?—I never bought a set, so that I could not say.

3362. You say that you must have four sets of vestments?—Yes.

3363. I take it, that the vestments that you use in your ordinary duties in the day, would be available for your duties in the prison?—Yes, but it would be very inconvenient to have to carry them backwards and forwards.

3364. So that you would require to have a different set of vestments for each prison?—Yes; we could not carry them from one place to the other

The Rev. FORTUNATUS SIGNINI, called in; and Examined.

3365. *Chairman.*] YOU are a missionary priest n Cardiff, are you not?—I am.

3366. Do you visit the Borough gaol?—I do.

3367. Since how long have you been in Cariff?—I have been in Cardiff for a much longer eriod than I have visited the gaol; I began to isit the gaol about a year and a half ago.

3368. You have been about 33 years in this ountry, have you not?—I came in October 1837, and I have remained in the country all the time since, excepting two years, or thereabouts.

3369. Then you are therefore almost an Englishman?—I am naturalized.

3370. For how long a time have you been an inhabitant of Cardiff?—From the summer of the year 1854 until now, with the exception of about three years and a half.

3371. What is the daily average number of

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Catholic prisoners in the prison?—I believe for the last 12 months it has been as near as possible about 50.

3372. Have you seen the number in the returns?—I have; the return speaks of one particular day, namely, July the 20th 1869.

3373. On that day there are 76 Church of England and 45 Roman Catholic prisoners?—It must have been so on that day; sometimes it is more and sometimes it is less.

3374. The average would be between 40 and 50, would it not?—Yes; the average is over 45, I know.

3375. Are there any rules governing your visits to that prison?—Yes; a new rule was issued by the visiting justices on the 21st of March 1868, after long and repeated applications.

3376. How many times are you allowed to visit the prison?—Twice a week; one day for males and one day for females.

3377. What is the length of your visit?—In my religious instruction I am bound to one hour; I cannot exceed one hour. Further than that, there is no limit fixed for the prisoners who express a wish to see me separately. The religious instruction is given collectively in the prison chapel; beyond that I may see any one separately who wishes to see me.

3378. But when the prisoners are assembled in common the religious instruction is limited to one hour?—Yes.

3379. That is one hour each week for males?—Yes.

3380. And one hour each week for females?—Yes.

3381. That is collectively in association, is it not?—Yes, they are gathered together in the chapel.

3382. And besides that for instruction, for preparing for confession, and for hearing confessions, are you allowed to see the prisoners singly?—Yes; I generally go into a private cell, and there they are brought in one by one, if they wish to see me, either for making their confession or for any other private matter.

3383. Are you allowed to have Divine worship on the Sunday?—I am not, nor on any day.

3384. Have you any order issued by the justices that informs you what their regulations are?—I have it in my possession, it was not sent to me, but to my predecessor.

3385. Will you read it?—Yes; it is an extract from the Magistrates' journal, dated the 21st of March 1868. "It is resolved, that, permission be granted to assemble such of the Roman Catholic prisoners as shall be desirous to attend in the room used as a chapel once a week, on such days and at such hours as shall be settled by the governor. Such instruction not to last more than one hour for male prisoners, and one hour for females. Each prisoner to be placed in a separate compartment; one or more warders to be present for purposes of discipline and safety, and no celebration of mass, or other public religious service of the Church of Rome, to be performed in the said room during such instruction; the assembly of the prisoners for instruction is not to prevent any prisoner who may desire to do so, from seeing the Catholic priest separately, as at present. The instruction of the male and female prisoners to be at different hours."

3386. Lord *Henley.*] That was an extra permission?—That was an extra permission, which we obtained after long and frequent application.

3387. *Chairman.*] That is to the effect that you are to be allowed to instruct the male prisoners assembled together for one hour once the week?—Yes, I am allowed to instruct the male prisoners assembled together once a week.

3388. And the same with regard to the females?—Yes.

3389. But you are allowed to see individual prisoners for other purposes at any time you require, or they require, are you not?—No, not at any time; we always interpreted this resolution to mean that we must do it at the same time that we are there for the purpose of giving collective religious instruction.

3390. Is there a room specially appointed for you?—There is no room for separate instruction; I generally go into a cell which is vacant, and then the prisoners come to me.

3391. Is there no place set apart for you to give instruction to the prisoners?—The collective instruction is given in the public prison chapel.

3392. Is an hour consumed in that instruction?—Sometimes it is, and some times it is not. I do not think I have ever exceeded the hour. I am careful not to do so.

3393. But independently of that hour, you are allowed to see the prisoners individually at other times?—Yes; either before or after the instruction but not on another day.

3394. Do you mean to say you are not allowed to remain with the prisoners for the purpose of your ministration more than one hour?—Not in the chapel.

3395. But you are allowed to see prisoners individually, you say?—To leave the chapel, and see the prisoners individually after the religious instruction is over.

3396. When the instruction is at an end?—Yes, or it may be before it has begun.

3397. Sir *John Pakington.*] Over and above the hour?—Over and above the hour.

3398. *Chairman.*] Without limit as to time?—No time has been fixed, but I find that in practice very few are sent in to me in proportion to the whole number.

3399. What do you mean by that?—I mean that not all the Roman Catholic prisoners who are in the gaol pay me a visit separately after or before the instruction. Supposing I have 43 in the chapel, I may only see five or six in the cell.

3400. That is to say on that day?—I never go any other day but that. We never understood it in any other sense, excepting as regarded sick cases.

3401. Except for religious instruction, you are not allowed to attend more than one day in the week?—Not more than one day in the week unless I am sent for; once or twice there being a sick case in the prison, I was sent for; then I continued to go in without being sent for, and had free access to that sick case without any obstruction.

3402. This decision was the result of long and frequent application, was it not?—So it appeared from papers which I found left by my predecessor.

3403. Who held the same office which you do 18 months since?—Exactly.

3404. Has there been any further application made since?—With reference to the supply of books for Catholic prisoners, I have made application

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on, but not upon the question of religious orship.

3405. In consequence of that order, did you nsider that there was no chance of success for y application for a religious service?—That as my reason, or my principal reason, for not plying for it.

3406. You thought it quite useless to apply? I thought it quite useless to apply, knowing e temper of the visiting justices, as described that document, upon which point I have had reason to alter my opinion in any sense vourable to myself.

3407. How many Protestant services are there on Sunday?—Not less than two, if not more; rtainly there are two.

3408. It is quite certain, therefore, that there ust be one?—I might say for a certainty that ere are two, but I know, certainly, that there one.

3409. Do the Catholic prisoners attend the apel?—Yes, several of them do.

3410. Do you know that of your own knowige?—Prisoners have told me that they do, d the officials of the gaol have told me the me.

3411. I will read to you a passage from the turn here, and you will tell me whether this rresponds with your own information: "Priners of all denominations differing from the stablished Church, accept gratefully the visits the appointed chaplain, and attend the services the chapel;" you have no reason to think that at is incorrect with reference to the fact of eir attendance?—Except that the prisoners ll me they do not all attend; but as regards e other point, I have no reason to doubt the ct.

3412. We will come to the feeling that is inired afterwards, but is it a fact which you ve no reason to doubt, that the majority of the atholic prisoners attend the Protestant worship? I could not say if it is the majority; I am not epared to state the proportion, but several tend, and several do not.

3413. Do you think they "gratefully accept e visits of the appointed chaplain;" that is the rotestant chaplain?—I think his visits are acpted gratefully; but that requires an explanan; they are accepted gratefully, on the principle at a poor creature who is severely punished by litary confinement, is very glad of any chance breaking the silence by speaking to anyone o visits him as a friend, as they thereby get a tle relief. We should also consider how very ficult it must be for poor persons in the posin of prisoners to summon enough of moral urage to reject the visits of a gentleman whom ey know to be appointed by the prison authoies with official power as a chaplain for the neral superintendence of the prisoners; espeally when they compare his position with the ry inferior one of their own priest.

3414. And are they not glad to get a little lief from the irksomeness of confinement, by ing to the Protestant chapel?—That is almost variably the reason which they allege; they say: It is so tiresome, so wearisome, to be in the cell; go out, because it is a relief to us." Upon eir being spoken to, several of the prisoners ased from going, but afterwards relapsed, being mpted by the bait of leaving their cells.

3415. Do you think it is fair to have that incement held out to prisoners of the Catholic persuasion, to attend the service of the Protestant worship?—Decidedly not; I think it is most unfair upon the first principles of natural law; and I further consider it very unfair to carry out that rule by which the prison authorities have the power, and exercise it continually and regularly without interruption, of opening the door of the cell of every prisoner, be he Church of England, Baptist, Roman Catholic, or Jew, and inviting him to come to their service; sometimes with very pressing language it seems, as the prisoners have repeatedly told me. There is no command, no compulsion, strictly speaking, but a moral pressure has been exercised; that is my impression, founded upon their information. It seems also reasonable to think that many of the prisoners, especially new comers, seeing themselves invited to attend the Protestant worship, must naturally, in their helpless condition, have some lurking fear or suspicion of incurring in some way the displeasure of those in whose power they are placed, if they do not attend. Indeed, I have repeatedly heard from them remarks to that effect.

3416. But even if the prisoners were not solicited, directly or indirectly, by words, do you not think that the fact of their being otherwise compelled to remain in their cells during Divine worship would be quite sufficient to lead them to go to it?—Quite so; especially when they hear the tramping steps of their neighbours going to church.

3417. There seems to be a number of Baptists and Wesleyan Methodists in this prison; there are 46 prisoners of various Protestant denominations confined in the prison; now, according to your experience, is it not the fact that Protestant Dissenters are glad to receive the ministrations of clergymen of the Church of England?—I can only state from hearsay that, in the majority of cases, members of the various dissenting bodies have no objection to receive the administrations of the Church of England clergy.

3418. And there is a very strongly marked difference between the Protestant Dissenters and the Roman Catholics in that respect?—Yes, decidedly so.

3419. Can a Roman Catholic, without committing a very serious fault, willingly attend?—Not according to his conscience or his sincere belief as a Catholic; he does wrong, and he knows he does wrong.

3420. Therefore, do you think it fair to coerce the conscience, or offer any inducement to a poor person in the position of a prisoner, to violate his conscience by doing, in the prison, what he would not do outside?—Certainly not; it is not fair.

3421. Now, with reference to the books used in the prison; I believe that the Protestant chaplain visits all the prisoners without restraint?—The Protestant chaplain, with the exception of the little time that the Catholic priest is with the Catholic prisoners, is, practically, the sole chaplain of all the prisoners of all denominations; he visits everybody according to his own discretion, and speaks to every body, and gives books to everybody, as he thinks fit. He is, in fact, the official chaplain of the whole, and gives them advice as he thinks fit.

3422. And exercises, no doubt, great influence over their minds?—No doubt; but I must observe, as a matter of justice and fairness, that none of the Protestant chaplains I have known since I have been living at Cardiff, have in any way acted unfairly,

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fairly, by tampering directly with the religious belief of Roman Catholics; they avoid controversy.

3423. But you come here to speak against the system, and not against individuals?—Yes, any Protestant clergyman, who should think fit to act otherwise than I have just stated, has full power to do so, as far as I understand the present state of the law.

3424. He has full power, according to the rules to exercise that influence over their minds?—It is only what I call a lucky accident that he does not do so.

3425. Practically, you admit his fairness, but complain of the system which admits of that being done?—Most heartily I do, as a system it is wrong in principle.

3426. By this return it would seem that the Catholic prisoners form about one-third of the whole?—I should think so; the present Protestant chaplain has told me something like that very lately.

3427. I see by this return that the Protestant chaplain receives 250 *l.* a year for his work?—Yes, I believe so.

3428. Suppose there was also a Catholic clergyman there, do you think it fair that he should be paid for his services, in proportion to the services that he did?—Certainly; a man who has to work has a right to be paid, in order to live to do his work.

3429. You are not prepared to lay down any fixed rule upon which you would base that remuneration?—I think that if, for example, you required an extra priest on purpose to attend to the gaol; or if one of the resident priests took that for his principal duty; or (supposing, that the prison work were not such as to demand the principal attention of such resident priest) if his undertaking the prison duties should, of necessity, throw on his brother priests more than their proper share of the regular parochial work, in such cases as these a salary should be allowed sufficient to maintain the priest with decency; and I should still say so, even if under circumstances like those just mentioned, the number of prisoners was not so large as 50 or even 30.

3430. Sir *J. Pakington.*] I understand you to say that the hour to which you are limited on the two occasions when you visit the males or the females, applies only to the collective worship?—That is the time allowed for the collective religious instruction.

3431. You are allowed either before or after that collective worship to visit the prisoners individually in their cells, are you not?—Not in their cells, they are brought to me; I must, however, say that sometimes I have asked permission to see some particular prisoner, and was not refused permission to go to the cell myself; and sometimes the officials themselves have said, "Do you wish to see so-and-so," who might have been the subject of a conversation between myself and the officials; those were individual instances, but I think that the meaning of the permission which we have received, is to carry on the work as we did formerly in regard to the separate interviews, namely, the Catholic priest to sit in any private cell which is found empty and available, and there to receive any one brought to him by the officials.

3432. I was going to ask you whether, as you are allowed to see the prisoners individually after the termination of that hour, you are restricted with regard to the time you so devote to th interviews?—I never was, and I suppose I not; the authorities never interfered with me

3433. Supposing the number of interviews quired it, you might remain in the prison the of the day engaged in seeing your flock?— think so; but it never did, nor is it likely to d

3434. Have you ever applied for a salary?— have not.

3435. Have you ever applied for permiss to see the Roman Catholic prisoners more f quently than you do?—I have not.

3436. And why have you not applied for t either?—Because I did not like to trouble waters, seeing the difficulty, which we had perienced in obtaining from unwilling visit justices even the little boon which is embod in that resolution; further, I thought that growing sense of justice and fairness in country towards Roman Catholics would things right at last, and so I concluded t patience was the best thing.

3437. Did I understand you to say that fact of the Protestant chaplain not attempting make proselytes of the Roman Catholic pri ners was a lucky accident?—I conceive it to so, because I see nothing in the state of the l to prevent the Protestant chaplain from act in any way that he thinks fit.

3438. Would it not be fair to attribute it just and proper scruples on the part of the P testant chaplain?—That is what I meant; live on the best of terms; we are very friendl

3439. You meant that it was a lucky accid that he was so good and honourable a man Yes, we were speaking of the system. Oth Protestant clergymen might consider it their d to act towards Roman Catholic prisoners diff ently from the present chaplain.

3440. You said that a portion of the Rom Catholic prisoners attend the Protestant worsh but not all of them?—Not all of them.

3441. Do you know how the distinction is gulated as to those who do attend and those w do not?—I think some of the prisoners abst from attending from their own conscientio feelings without being told by their clergym They say: "It is not right for me to particip in that form of worship, and therefore I will go." Some refrain from going after having g once or twice, or oftener, and then having b told that they must not go against their c science and their principles.

3442. Mr. *Downing.*] I presume you are foreigner?—I am a foreigner.

3443. When you visit prisoners in a separ cell is there a warder present?—No.

3444. Are you quite sure of that?—Perfec sure. I leave the door open generally.

3445. The rule is: "Each prisoner to placed in a separate compartment, one or m warders to be present for purposes of discipl and safety"?—That applies to the religious struction in the chapel; they are in differ boxes.

3446. I see by this resolution that you are p vented from celebrating mass?—Yes.

3447. Or other public religious service of Church of Rome?—Any kind of religious serv is prohibited.

3448. Had you a very large congregation Cardiff?—We reckon them from 8,000 to 9,(in Cardiff and the vicinity, exclusive of sea-faring population.

3449. That is a population that comes and
es?—Yes, trading to the port of Cardiff from
rious countries.
3450. No doubt sailors also form a fair propor-
on of the prisoners?—Yes, that is so.
3451. You are a superior, are you not?—At
esent I am the superior of the Cardiff priests.
3452. How many reside with you?—We have
o presbyteries. We are now six altogether.
3453. Do you mean for the whole of Cardiff?
Yes.
3454. I daresay that your income is very small
mongst six?—We are struggling hard, as
st missionaries are, on account of the great
mber of things that have to be done. There
s been a sudden rush of a helpless population
o the place, so that there has been a hard
uggle for the last 15 or 16 years in building
nools and places of worship.
3455. I see in this Return that the number of
tholic prisoners compared to the Church of
ngland prisoners is in the proportion of about
o to three. The Protestant prisoners are 76
d the Roman Catholics 45?—That is so; *i. e.*,
Church of England prisoners, for the 20th
ly 1869. At other times the difference has
en much less.
3456. I find, according to this Return, that the
otestant chaplain is paid a salary of 250 *l.* per
num?—Yes.
3457. You never applied for any salary?—I
not, for I thought it was of no use.
3458. Mr. *Synan.*] You were asked by the
ght honourable Baronet why you did not apply
her for more time to give instruction, or for
vice upon the Sunday; did you think that the
solution of the justices with respect to the time
at was allowed to you, and with respect to the
fusal of the service upon the Sunday, was con-
usive upon that subject?—For the collective in-
uction, I consider, and I have always done so,
at one hour is a fair allowance, but it is a very
vere measure to fix you down, as it were, to a
nute.
3459. I want to ask you this, were you pre-
nted by that resolution from applying either
service upon the Sunday, or for additional
ne for instruction?—Yes; that resolution was,
our eyes, an interpretation of the feelings of
e magistrates; we thought they would not ex-
nd their permission to further limits.
3460. You stated to the Committee that you
not see all your people privately, although
u instruct them for an hour in the chapel once
week?—Very few in proportion.
3461. Why do you not instruct them all
ivately?—One thing I fear is, as is stated by
em occasionally, that when they express a
sire to see me they are not allowed by the
rders and officials to do so, that is what I hear
em say; several of them have told me that. I
sh to say that by "private instruction," I here
derstand the private interviews with prisoners
nen not collected for public instruction.
3462. You see those only whom the warder
ngs to you?—That is so.
3463. You do not see them all?—I do not see
em all.
3464. And their excuse for not seeing you is
at they are sent away to other business?—
at is the excuse of some of them; that is what
y have told me.
3465. Perhaps that "gratitude" which is
entioned in this published return might very
well bear that interpretation, which has become a common expression, namely, "a strong sense of favours to come;" I do not know whether you ever heard that expression?—That would be about the key of the whole thing.

3466. When you talk of salary, do you think it ought to be proportioned to services rendered, as well as to the number to whom they are rendered?—I can say nothing further than what I have laid down in my former answer to a similar question, that if it is necessary that there should be an extra priest appointed for that purpose, or principally for that purpose: or even if the number of prisoners was not large enough to take up the whole, or most of the working time of a priest, yet the appointment of a resident priest lays extra work on his brother priests then I consider he should be paid a salary sufficient to maintain him decently in his position as an educated gentleman and a priest.

3467. If the religious and moral instruction of those 45 people in your prison was to be sufficiently attended to, would your mission require an extra priest?—I am inclined to think that it would; after a time it certainly would.

3468. You are of opinion that the attendance upon the prisoners in this prison would so encroach upon your time that it would encroach also upon the claims of your people upon you?—I think so.

3469. And it would also encroach upon the claims of your brethren and fellow priests upon you?—Exactly.

3470. Will you tell the Committee, if you can give an opinion upon the point, how much it would cost for the necessaries and fittings for a religious service upon the Sunday?—If you do not include the requisites for benediction, I should think, without having made a strict calculation, that from 25 *l.* to 30 *l.* would procure a full supply of all the necessaries for the altar, including the vestments and everything requisite; yet on a modest scale.

3471. What do you think the essentials would cost, including the benediction?—If you include the thurible and the cope, and the remonstrance, I would not undertake to do it under 20 guineas more; and that would be a very moderate estimate.

3472. That would be altogether about 50 *l.*?—Yes.

3473. Sir *J. Trelawny.*] You were asked why you did not apply for an opportunity of ministering at the prison?—I was.

3474. Should you be inclined to think that it was the duty of those who placed the prisoners there to provide clergymen for their instruction; primarily it would be rather their duty than yours, would it not?—I consider that it is the duty of Government to provide the means for the ends which they aim at; their end is to correct the prisoners and not only to punish them, and therefore they should provide all the means requisite for that end.

3475. I asked you that question, because the responsibility seemed to be thrown upon you of providing a clergyman?—I consider it to be the duty of Government to provide the necessary means for its own proper ends, and therefore for religious instruction and worship, which is of all means the most effectual.

3476. Mr. *Talbot.*] I think you told the Committee that comparatively few of the prisoners

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come to you for private instruction?—That is the case; that is for private interviews.

3477. And then you went on to say, that that was caused partly by the discouragement which they received from the authorities; is it not possible that there may be this other reason, namely, that they do not ask to see you?—Yes; I only spoke of a few of the prisoners.

3478. The Committee desire to ascertain, as far as they can, how these matters are conducted in prisons. Is it the case that every prisoner is expected to see the priest in private, or is that a privilege of which he may avail himself if he chooses?—Every prisoner is not expected to do so; I believe in many instances it was the prisoner's own wish not to see the clergyman after he had met him at the public religious instruction, thinking that that was enough for him on that day. Once or twice the prisoner told me he had not known that he could come to see me.

3479. Therefore it was rather granting him his wish than putting an obstruction in his way?—It is only fair to say that I think that after the collective instruction the prisoners go out into the air, into the garden, and so on, and perhaps are not always willing to forego that.

3480. Therefore there would be no hardship, as far as the prisoner was concerned?—Except that in some cases the prisoners told me the following week that they had not been to see me owing to having been prevented.

3481. But, knowing the class from which the prisoners are derived, is it not possible that they avoided seeing you of their own wish, and made this excuse to you?—That is quite possible, at least in some cases. When I speak of statements made to me by prisoners, here and in other answers, I understand of course that a further question might be raised as to the degree of reliance to be placed in those statements.

3482. You state that you have certain days assigned you for regular visitation?—Yes.

3483. But supposing a prisoner is sick, have you any means of seeing him at other times?—Yes, I think I have; judging from past experience, which is limited in that respect, I should say that there was no limit put upon me.

3484. If a prisoner was in a dying state, you could visit him from day to day, could you not?—I think I could, judging from the past.

3485. In this Parliamentary Return we have the words, "prisoners of all denominations differing from the Established Church accept gratefully the visits of the appointed chaplain;" do you know whose opinion that is?—That is the Reverend Mr. Prothero's opinion; he is the chaplain, and that is the view he takes; and I have no doubt he thinks it a right view.

3486. But it is signed by two visiting justices and the governor?—But I happen to know that that is an extract from his report.

3487. But I suppose those gentlemen who are connected with the prison, the visiting justices and the governor, agree with that opinion?—They endorse it.

3488. You drew a marked difference between Roman Catholics and others who dissented from the English Church?—I did.

3489. You told the Committee that the Roman Catholic prisoners could not attend the ministrations of a clergyman of the English Church?—If the Catholic prisoners were placed under fair circumstances they would not do so.

3490. Have you lived long in Wales?—I have lived in Wales from 1854 to the end of [illegible] vember 1857, and again from 1861 till now.

3491. That is for many years?—Yes, many years.

3492. And you have had an opportunity observing the feelings of the inhabitants of Wa have you not?—I have.

3493. Except in the case of the Roman tholic prisoners, there is in your opinion grievance whatever?—I am not aware of any.

3494. If you heard that the Welsh Dissen looked upon it as a very great hardship that t were obliged to accept the ministrations of a m ister of the Established Church, you would much surprised, would you not?—Not speak of particular cases; I conceive that in some cases there might be some such objection.

3495. Speaking generally, you would not surprised?—I think I would be surprised.

3496. Mr. *Guest.*] How long are the prison allowed to remain with you in the cell after struction?—As long as they need it.

3497. What is the longest time you ha known a prisoner allowed to stop with you?—do not think that any prisoner has been with separately longer than 10 or at most 15 minu at any time, judging from memory, and having kept an entry of this, excepting on or two occasions when I have had them altog ther in a cell; there being on those occasi only about a dozen Catholic female prisoners the gaol I had them all in the cell; and ther occupied the whole time in giving instruction.

3498. So that you then held the instruction a cell instead of in the chapel?—That was by n own wish.

3499. What time of the day do you genera hold this instruction?—Shortly after 10 in t morning.

3500. I want to ask you a question also w regard to what you stated about the invitation chapel on the part of the warders; do you happ to know at all in what way the Catholic p soners are invited to go to chapel; the doors a opened, are they not, by the warders?—All know is from the testimony of the prisoners the selves.

3501. Will you state to the Committee wh the prisoners have said to you?—The prisone have told me over and over again, that the c doors were thrown open with the announceme that service is going to begin, and the warde say, "Are you going?" or "Make haste," " is time," or "Why do you not go?" that th made use of expressions like these.

3502. Was this told to you by the prisone during the time of their confinement in the ga or after their release?—During the time th they were in the gaol. It is not my practice state these matters outside the gaol.

3503. Did you ever complain of this to t governor of the gaol?—I told his wife of it in very gentle way; I made it no case of form complaint; I did not like to be too strong up the point; I said, "It is wonderful that they go;" and the officials said, "They go of the own accord."

3504. Who was it that you spoke to; was the governor of the gaol?—I think I spoke to t matron, the wife of the governor, Mrs. Wre and also to officials, acting under her command.

3505. That was the case of a female prison then?—Yes, it was the case of female pr soners.

3506. Hav

3506. Have there not been similar cases of male prisoners?—Yes; in the same way.

3507. You have never made a complaint to the governor upon the point, have you?—On both sides, I complained of it; I forget if I did so to the governor or only to the officials; I may have spoken to the governor also; and the issue of the thing was, that they convinced me that they used no compulsion; I believed that before.

3508. You consider that it is a matter of complaint?—Assuming that the statements of the prisoners were true, I consider that it is a very serious matter of complaint.

3509. But you did not think it worth your while to make any formal complaint to the visiting justices?—I did not.

3510. With regard to the books used in the prison, have you ever noticed books placed in the cells of the Roman Catholic prisoners which they ought not to read; books against their faith?—I do not remember any controversial books being brought to me from any cell, but I have happened to meet with some very anti-Roman Catholic book in some place out of the cells, but that was quite an accident; I was told "this was in former times, and now we have done away with all that;" and I said, "and quite right too."

3511. But you do not think there are any controversial books there now?—No further than the Protestant translation of the Bible.

3512. You do not supply any Roman Catholic Bible, do you?—Yes, I do; I have permission to do that.

3513. And you have got permission to give any books you please?—Any Catholic books I please.

3514. Have you had permission to remove the Protestant Bible?—I believe an order was once made by one of the visiting justices, a Roman Catholic, who examined the cells; he saw several Protestant books in some of the cells, and had them removed; but I, myself, have kept the thing quiet, as they were not exactly controversial books, as far as I know.

3515. I understand you to say that sometimes you did not see all the prisoners when you went to see them separately after the instruction; cannot you imagine, from what you know of the discipline of the prison, that it is not always possible to let the prisoners come to you, because they would have certain work to do?—That is so possibly in a great many instances.

3516. What would the prisoners be mostly doing about that time, at 10 o'clock in the morning?—I am not acquainted with their daily routine of work.

3517. But you perfectly well understand that there are times when the prisoners must be at their work?—I understand that certainly.

3518. Your parishioners in Cardiff are not all of a very poor class, are they?—Not all of them, but most of them.

3519. Some of them are of the better class of artizans?—It is natural that there should be a sprinkling of such persons.

3520. A great many of them are attracted here by the ironworks in South Wales?—Yes, they are Irish generally of the humbler classes; they are labourers mostly; some are cadgers or dealers in a small way, sellers of fire-wood, chalk, sand, and so forth.

3521. The labourers, as a rule, have pretty good wages in that part, have they not?—I believe many have, but that is a matter upon which I have very little knowledge; it is out of my line entirely.

3522. But you have an idea of the welfare of your congregation, have you not?—Yes, but I do not consider that that is exactly an item of my pastoral duty.

3523. But, as the priest of the district, you would know something about it?—Many of them get good wages, no doubt.

5324. Are they well able to support their ministers in Cardiff?—They do as well as they can, I suppose; they have a true Irish heart, which is characterised by generosity and good feeling for the clergy.

3525. Have you any assistant?—I have not; when I am absent one of my confrères attends; he is there this morning.

3526. By permission of the justices, I suppose?—We never mooted the question; any one of us who applies is allowed to go in.

3527. Have you ever applied for an assistant?—I have not; I do not require one.

3528. I suppose you are pretty well aware that it is the case that in Glamorganshire upon one or two occasions, the question of paying the Roman Catholic priest has been mooted?—I believe it has been in Cardiff itself.

3529. And once in Swansea, was it not?—I am not aware of that; that was probably before my official time.

3530. With reference to the opinion expressed here in the Parliamentary Return, that "The prisoners of all denominations, differing from the Established Church, accept gratefully the visits of the appointed chaplain, and attend the services in the chapel;" you stated that you knew perfectly well that that proceeded from the chaplain himself; I want to know how you know that?—By the general knowledge we have of the feeling of our people; that makes me sincerely believe that if the Roman Catholic priest stood towards the Roman Catholic prisoners in exactly the same position in which the Protestant chaplain stands towards his own co-religionists, and if our people knew that such was the case, they would turn the whole of their attention to their own priest, most decidedly. If we were upon equal terms, not one of them would dream of having the advice, or services, or assistance of a clergyman who was not of their own persuasion; I mean in religious or spiritual matters. The proof of this is that they never go near those clergymen when out of gaol, for such purposes.

3531. But that is not an answer to my question; this return is signed by two visiting justices and the governor; and you were asked by an honourable Member, "Who wrote this report," and you said you knew that the chaplain of the gaol wrote it; I want to know from whence you derive your knowledge that the chaplain of the gaol gave this opinion?—From a report which the chaplain prepared not long ago (I do not know the date), for the visiting justices, I think for the quarter sessions, or some such meeting. I know that he wrote and laid before them a report, and I take it for granted that, this being a public and official act, the report must have been published, as such things generally are.

3532. You know this from hearsay, that is all, is it not?—I know as a fact, that it is from the report of the Protestant chaplain. I had a little friendly argument with him about a certain

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word which he had used in his report, and we made it up in a very amicable way.

3533. Do you mean those words?—Yes, I happened to notice them also at the very time.

3534. *Chairman.*] In other words, the justices adopted the words used by the chaplain in a former document?—Yes, whether those are the exact words, or not, I cannot exactly say, but those are the sentiments expressed by the chaplain, Mr. Protheroe.

3535. Mr. *Guest.*] You do not mean that he wrote that which is signed by the justices?—No, but that is identical in sentiment; the visiting justices endorsed his report in that particular.

3536. *Chairman.*] In fact the visiting justices received their authority upon that matter from the chaplain?—Yes, they received their authority from the chaplain upon that point, I firmly and sincerely believe that.

3537. Mr. *Knatchbull-Hugessen.*] If the visiting justices wished to know how the ministrations of a minister of religion were received by the prisoners, is it not probable that they would see the visiting minister upon the subject, or take his report with reference to the fact?—It is most natural.

3538. Is not that the case in every gaol, and is not that the case here?—Yes.

3539. When you say the visiting justices' statement is in substance the same as the Protestant minister's report, you have no doubt, and in fact you know, that the visiting justices having asked the Protestant chaplain for his report with reference to the manner in which his ministrations were received by the prisoners, accepted his account of it, and embodied that in their report?—Yes, exactly.

3540. Mr. *Guest.*] Do I understand you to say that it is through an admission of the chaplain himself, in a friendly argument which you had with the chaplain on the subject, that you are able to state that those are his words, which are signed by two visiting justices and the governor?—Not from the explanation which took place between us upon the expression to which I was referring; it was independently of that; but I think the chaplain's report containing the words in question appeared in the local papers of Cardiff.

3541. But that is a common report, and common report is very often a common falsehood teller; I want to know whether it is directly within your knowledge that the Protestant chaplain wrote that report?—I have not myself read that report, but I know it came up accidentally that that was the fact.

3542. Mr. *Knatchbull-Hugessen.*] I suppose that although Roman Catholic prisoners may gratefully receive the ministrations of the Protestant clergyman, you have no doubt that the members of any religious persuasion would be more likely to have their hearts touched and be reached by a minister of their own persuasion?—Yes; in the way of reformation.

3543. Would not that be the case, particularly with a church that teaches its children especially to reverence its priests?—I should say so.

3544. With regard to the routine of prison life interfering with the instruction to prisoners, if it were represented to you that the hour allotted to you clashed with the daily routine of the prison, would you not willingly alter it?—I not only would, but I have done so, and I have even foregone the instruction altogether for a week or tw in consequence of the number of officers in th gaol being short at the time.

3545. Further, if prison life is not interrupte by the daily ministrations of the Protestar chaplain, you do not see why it should be inte rupted by your ministrations to a lesser numbe of Roman Catholic prisoners?—I do not.

3546. I believe the reason why you made n further applications was not that you were satis fied with your position, but having obtained cer tain comparatively small concessions you preferre to trust to the advancing sense of justice of th country for the removal of those disadvantage to which you and your co-religionists were sub ject?—Yes, understanding by "the authorities the governing powers, as influenced by publi opinion expressing itself ultimately through a Act of Parliament.

3547. Looking at the ordinary class of pri soners, is it not very likely that they might no be particularly desirous always to see thei priest?—There are some very few cases in whicl such is the fact. Some most hardened sinner have no desire to see a priest.

3548. Would not that apply equally to Roma Catholics and Protestants, that a person who i sunk in vice might shun the visits of a ministe of religion of his own or another persuasion?— think that when that happens they force th Protestant prisoner to attend.

3549. And you do not see any reason why th discretion as to whether or not a prisoner shoul be seen by a minister of religion should be left, i the one case, to the minister and in the other t the prisoner?—I see no reason; we are no treated with even measure.

3550. You think that if it is right that th Protestant minister should have access to th Protestant prisoners, the same measure should b meted out to the Catholic minister?—I conside that the Catholic priest should have the self-sam spiritual authority over his own people as th Protestant chaplain has over his; that the pries should have nothing to do with the Protestan people, and the Protestant clergymen nothing t do with the Catholic people when they have onc given in their names as Catholics, except wher of their own free and independent will, they say "I do not wish for this minister any more. wish for the other;" then each must be free t follow his own religious impulses.

3551. You think criminal classes of whateve persuasion, having been once taken cognizanc of by the State, and being confined by the Stat in the prison, should be allowed by the Stat equal spiritual advantages?—That is my view.

3552. Mr. *Downing.*] You stated that you di not think it worth while to make a complain with reference to the attendance of Roman Catholi prisoners at the Protestant service?—Not to th visiting justices.

3553. I take it for granted that what you mean was that you did not wish to do it under th circumstance in which you found yourself placed —Yes; I thought I could do better by speakin quietly and gently to the officials of the place.

3554. And if you thought you could preven it, would you do it?—Certainly.

3555. You would feel that to be a conscientiou obligation on you? — Yes; excepting it wa contrary to the prisoner's own deliberate min I should try to induce them to do that which wa according to their own conscience.

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3556. Can you say from your experience, nd your attendance in any Catholic prisons, hat you have made a sensible impression upon hose who have been perhaps criminals for a very ong time?—I have no doubt of it.

3557. Mr. *Walpole.*] You stated in answer to question put by the honourable Member for ork just now, that when you went to visit the risoners in their cells, they were occasionally rdered to other work, and that you could not see em, in consequence of that order; am I right n understanding that that was so?—That is what wished to convey; that is, assuming that the risoners' statements were true. I did not sually visit the prisoners in their cells. They ere to come to me in a private cell.

3558. Was that order given on purpose to pre- ent your seeing them, or was it an order given ecause they had their work to do in the ordinary ourse of the prison duties?—The latter is per- ectly possible.

3559. You do not wish to convey to the Com- ittee that there was any desire to remove them rom your superintendence?—I should be doing rong if I were not to endeavour to remove any mpression of that kind. I do not speak of mo- ives; I speak of facts which might be inquired nto, if found necessary.

3560. *Chairman.*] Is there anything further hat you wish to represent to the Committee?— wish to state this. For a long time after the ommencement of my attendance, I was under he impression that the number of Roman Catholic risoners shown by my list as being actually in- nates of the gaol was generally equal or near to he number of those brought together for in- struction into the chapel. But I once accidentally compared the number present with those who were then in the gaol, and I found a very remarkable difference of about one-third. I looked over the previous entries (I generally put down the number that attend each time), and I found that that had been the case a great many times. I thought, of course, that that was wrong; that not sufficient attention was paid to informing the prisoners of the presence of their clergyman in the gaol, and I remonstrated upon that. Since then things have vastly improved; there is no ground for such a complaint at present; but for a long time that was carried on, with what intention I could not tell.

3561. Mr. *Guest.*] The chaplain, as you are aware, receives now 250 *l.* a year; you, in a general way, stated that you would be quite satisfied if a Roman Catholic chaplain was required for the gaol that he should receive enough for his living?—Enough for his support, clothing, and incidental expenses.

3562. What should you think would cover that?—From 90 *l.* to 100 *l.* a year, just what a decent person requires in the position of a priest.

3563. Mr. *Downing.*] Would you be satisfied with 100 *l.* a year?—Yes, I think so, unless the work grew vastly larger, and then the question might have to be re-considered.

3564. Sir *J. Trelawny.*] That is irrespective of the necessaries for Divine worship?—Quite so.

3565. Mr. *Guest.*] Would you have any objection to the present existing chapel in Cardiff gaol being used by the Roman Catholic prisoners for worship?—None whatever.

Monday, 9th May 1870.

MEMBERS PRESENT:

Mr. Dalrymple.
Mr. Downing.
Viscount Enfield.
Mr. Robert Fowler.
Mr. Arthur Guest.
Lord Henley.
Mr. Knatchbull-Hugessen.
Mr. Maguire.
Mr. Matthews.
Sir John Pakington.
Lord Pelham.
Mr. Synan.
Mr. John Talbot.
Sir John Trelawny.

JOHN FRANCIS MAGUIRE, Esq., IN THE CHAIR.

The Rev. IGNATIUS COLLINGRIDGE, called in; and Examined.

Rev. *I. Collingridge.* 9 May 1870.

3566. *Chairman.*] You reside in Winchester, do you not?—I do.

3567. How long have you resided there?—Since the year 1848.

3568. Since that time have you been in the habit of visiting the Hampshire county gaol, situated in Winchester?—From the first month of my being there down to this time I have continually visited it, unless when absent or sick.

3569. In 1848, under what circumstances did you visit it?—I gained access to the Catholic prisoners, if the prisoners themselves had the courage to tell the governor that they wished to see me. I had no other way in which I could get to the Catholic prisoners.

3570. You could not enter the prison unless you were specially invited, in consequence of a request of a particular Catholic prisoner to see you?—That was so.

3571. When was there a relaxation of that rule?—I cannot specify the date, but I should suppose 13 or 14 years ago.

3572. What permission was given to you then?—There was a considerable number of prisoners then in the prison, a larger number than there had been, and then, I know not why, unless it was on that account the authorities allowed me to go in at any hour that was convenient.

3573. Had you made any application with a view of obtaining greater facilities for visiting the prisoners?—At that time I think I had not.

3574. Then was that relaxation of a former rule voluntary on the part of the authorities?—As far as I know it was.

3575. It was not in consequence of any application of yours?—No.

3576. Did you then visit the prisoners, and at what hour did you visit them?—At any convenient hour.

3577. Was there any intimation made to you of the change in the previous rules?—No.

3578. How did you know it?—I found it out by practice; that is, I used to go to the door and ask to see the governor, and I had to wait sometimes a quarter of an hour, and sometimes three-quarters of an hour; at last I saw the governor, and then he generally, either by himself or hi deputy, took me to the prisoners.

3579. Then, if the rule were relaxed, was no it to a certain extent owing to your frequent ap plications to the governor?—It was owing to m going into the gaol so often; that is what I sup pose was the cause of it.

3580. Will you just state to the Committe what amount of permission was granted to yo then?—I used to be allowed to go at any reason able hour, and the warders put me into one o the cells, and brought the prisoners to me on after the other; one prisoner would be in wit me, while another was standing at the door, an the rest were in their cells. As soon as one cam out from me the one standing at the door wen in, and then another was fetched from anothe cell, and put outside the door.

3581. For how many years did that syste continue?—I should suppose about six years.

3582. Were you allowed then to see them i common?—No, neither then or now. I neve was allowed to see more than one at a time.

3583. Are you now recognised by the authori ties as the Catholic visiting clergyman?—Ye fully.

3584. Are you appointed as such?—I am a pointed by the Court.

3585. At what time do you now visit?—I a allowed now to visit from quarter past twelve t half-past one, and in the evening from quart past six to eight o'clock; this is a very rece concession, made, indeed, last month.

3586. Will you inform the Committee of th nature of the service performed in the middle the day?—I go about from cell to cell, a ward accompanying me, and opening the door to l me in. I then go in and see the prisoner a talk to him, and then go to another prisoner a talk to him.

3587. Is the same routine adopted in the eve ing?—Just the same. I can never see two them together, nor any of them anywhere exce in their cells.

3588. Have you permission to celebrate Divi worship upon the Sunday?—No, neither upon t Sunday nor on any other day.

3589. Ha

39. Have you ever asked for permission to ? —Yes, repeatedly.

90. Have you asked permission to do so a late period?—About six months ago.

91. Did you make a formal application, and om?—Yes; I made a formal application to isiting justices.

92. You have made repeated formal applica- to the authorities to be allowed to have ous worship upon the Sunday?—I have repeated applications to have religious wor-

3. How many Roman Catholic prisoners are now in the gaol?—The last time I counted which was upon Saturday, there were only 39.

4. According to the return here, it appears n the 20th of July last year there were 49 lic prisoners?—Very probably.

5. What is about the average? — The al average is about 45, but I have had as as 57 Catholic prisoners, and now the num- low; only 39.

6. You reside in Winchester; what is the n Catholic population of that town?— e are about 500 Roman Catholics.

7. Does that congregation in any way sup- ie inmates of the gaol?—I cannot say that plies none, but very few indeed.

8. Would you give the Committee an idea w many?—I do not think that during the I have spent in Winchester there have been than a dozen from the town.

9. That is, a dozen for 22 years?—Yes.

0. Will you tell us then who those pri- s are?—They are almost entirely soldiers; few are marines, and a sprinkling of sailors the fleet.

1. Are those supplied from Aldershot, urst, Gosport, and Portsmouth?—Those e chief feeders.

2. Then I understand you to say that they ther soldiers, marines, or sailors?—Yes; at oment I believe there are not two civilians gaol.

3. When you made a formal application to Divine service upon the Sunday, what was ature of the objection put forward by the ng justices or the magistrates?—The autho- have put forward different objections at us times, for I have made that request re- dly. One objection was, that if they granted ermission to the Catholics, they would have nt the same to the Dissenters; and another tion was, that they had no room provided ie purpose.

4. With reference to the first objection, do hink from your own knowledge of the dif- ces between Dissenters and Catholics, that is any force whatever in that objection?— k there is none whatever.

5. Will you state to the Committee why hink there is no force in that objection?— use Protestants of one kind do not object to ate with Protestants of another kind in ie worship and in holy things; whereas, lics do object to associate with any sort of stant, whether Dissenters, or of the Church gland.

6. Can Catholics, without a practical aban- ent of their faith, attend the Protestant ip?—They cannot do it without apostacy.

7. That is to say, without practical apos- —It is real apostacy.

8. Therefore, there can be no real analogy 0.60. whatever, with reference to the attendance at the Protestant worship, between Catholics and Dissenters?—Certainly not.

3609. That is clear beyond doubt, is it not?—Upon Catholic principles, certainly.

3610. What other objections were made; was it said that they had no room?—It was first said that the authorities would have to furnish a room.

3611. Did you offer to furnish a room for them?—Yes, I got rid of that objection by offering to furnish a room; after that, they said that there was no room at all, that they would have to build a room; and my reply to that was, "I will build the room, if you will simply permit me."

3612. You would build and furnish a room for that purpose?—Yes, certainly.

3613. Would you, yourself, supply all the necessaries required?—Yes; I offered to do so.

3614. I suppose you offered to do so on the ground that you thought it so essential to the proper instruction, and the probable reformation of those people, to have full means of religious instruction for the Catholic prisoners?—Yes, precisely.

3615. Do any of the Catholic prisoners attend the Protestant worship upon the Sunday?—I am sorry to say that some of them do, but not many.

3616. Some, however, do attend the Protestant worship?—Yes, some of them.

3617. You have, I suppose, remonstrated with them for doing so?—Invariably. As soon as I can see a prisoner I speak to him upon the subject, because the governor, as soon as every prisoner is in his cell, goes to him and asks him whether he will attend the chapel or whether he would prefer seeing his own priest. Now, a great many of our prisoners are so stupid as not to understand that the chapel means the Protestant chapel; they are accustomed to call the place of Protestant worship a "church;" the "chapel" they consider is their place of worship, and although the governor asks them whether they will go to chapel or see the priest, they say sometimes that they will go to chapel, meaning the Catholic chapel.

3618. Is it within your knowledge that it is almost the invariable rule that the Catholic Church in Ireland is called the chapel?—I can easily imagine that, because it was the old name; they had nothing like churches a few years ago.

3619. Are your prisoners generally Irish?—Almost to a man.

3620. When chapel is spoken of, the Catholic prisoners very naturally imagine that it is a place for Catholic worship?—Yes, that is so.

3621. Can you give the Committee any other reasons which induce those prisoners to attend the Protestant service?—I think the real reason generally is to avoid the tedium of solitary confinement which they must undergo while the other prisoners are at worship, if they do not join them in that worship.

3622. Do you think that that is an indirect inducement to proselytism?—So far as the joining in the worship is a species of apostacy.

3623. Or may it not lead to something quite as bad, namely, indifferentism?—Yes.

3624. Tending to a disregard of their own faith?—Yes, I think so.

3625. On what grounds, if any, did the magistrates refuse you permission to see the prisoners

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in common?—I suppose what I have already stated must be the only objections. I know of nothing else that the authorities have alleged.

3626. Do you think yourself, considering the matter, that it is so very difficult a thing to provide a room in a large establishment for the accommodation of 50 prisoners?—I think there can be no difficulty whatever in doing what is done in several convict gaols, and, I believe, in some borough gaols also, namely, to allow the same room to be used for the service of both Catholics and Protestants.

3627. You would have no objection to that arrangement?—None whatever.

3628. So that that would remove the difficulty with reference to the room?—Precisely, if they agree to do that.

3629. Have you expressed your willingness to use the Protestant Chapel?—Yes; I have proposed that to the visiting justices. When they said that they had no room, I said the same room will do for us both.

3630. What answer did they give to that?—They said that it would be attended with inconvenience, and that it did not accord with the rules or the routine of the gaol.

3631. Do you appreciate the full force of their objection?—I think there is nothing in it.

3632. There is no inconvenience which could not be easily overcome; is that so?—None whatever, I think.

3633. How far is the gaol from your residence?—Nearly a mile; up a very steep hill.

3634. Then you go up and come down that hill twice a day, I suppose?—Yes, if I go to the gaol twice a day; but though I may go twice a day, I am not under the obligation of going twice a day, so that very often I go but once a day.

3635. But sometimes, or frequently, you do go twice a day?—Yes.

3636. In order to do so you have to take a rather long walk?—It is four miles pretty nearly in the day, if I go twice, being almost a mile up and a mile down.

3637. With reference to books, do you supply books to the prisoners?—I used to do so, but I do not now.

3638. Why do you not do so now?—Because the justices are kind enough to supply them, and pay for them out of the county rates.

3639. What books are they?—The Catholic Bible and the Prayer Book, and others recommended by me.

3640. Were they suggested and approved of by you?—Yes.

3641. And adopted by the visiting justices?—Yes; they have not refused a single book since they began to supply them.

3642. When did they begin to supply them?—About three years ago.

3643. Do the Catholic prisoners have access to the Protestant books?—I believe they may; I do not mean that they are given them without my consent; but they are allowed leave to take them out of the library with my consent.

3644. But are there any books given to the Catholics to which you object?—I object to the presence in every cell of the Protestant Bible, the Protestant Prayer Book, and the Protestant tracts; those books are invariably to be found in every cell, and I object to each and all of them.

3645. I need scarcely say that the tracts and the Book of Common Prayer are strongly anti-Catholic?—Most decidedly.

3646. In the service in the Book of C[ommon] Prayer will not you find, in speaking [of] doctrines of the Catholic Church, it i[s] that "they are fond things vainly invent[ed] repugnant to the word of God"?—Yes.

3647. And that our solemn service "blasphemous fables and dangerous decei[ts]" Yes.

3648. Those expressions are within the of the book?—Yes.

3649. And whoever may believe what is there, it is scarcely right to impress that Catholics?—Certainly not; it seems to me insulting to them.

3650. With reference to the time y[ou] allowed to give to each prisoner, do you th[ink] is sufficient for any practical instruction wi[th] hope of reformation?—It is much bette[r] than it used to be, I must say; but very la[te] was allowed to be there only at noon, f[rom] quarter past 12 to half-past 1.

3651. What time did that give you fo[r] prisoner?—About two minutes per day, [I] pose.

3652. Would that be sufficient time to p[ro] any really marked impression upon them?—I have not time now; even if I could use time it would not be sufficient.

3653. But, if you saw them in common, not the same instruction you give to one all?—Yes; it would be better to see th[em] common than to see them as I do now, o[ne] one; but it would be much better if I cou[ld] them in classes.

3654. Your desire is to render your instr[uc] as valuable and effective as possible, is it n[ot]? Exactly so.

3655. Do you desire to give them instr[uc] in common every day in the week, and a[lso] have Divine worship and instruction up[on] Sunday?—I should be happy if that co[uld] so.

3656. And you have made proposals t[o] effect, have you not?—I have never men[tion] Divine worship on the Sunday in particular in speaking of Divine worship, we mean I worship on the Sunday as well as on other

3657. You contemplated Divine service Sunday?—Yes.

3658. When you applied to the visiti[ng] tices you had that in your view, had you n[ot]? Yes.

3659. You are paid a salary, are you n[ot]? For the last five years a salary of 40*l.* has received. I put it in that way, as I hav[e] always received it myself.

3660. Were you in England at the time that salary was first given?—No; I was in tugal. I was in search of health, as my h[ealth] had been broken up, and I was trying t[o] myself together again.

3661. Do you know the circumstances which that salary was given; was it applied —No, I think not; in fact, I am sure not.

3662. Was it the voluntary act of the m[a]trates?—I am sure it was.

3663. If you had been at home, would it been received by you as an adequate payn[ent] —I would not have received it at all.

3664. Why not?—Because I think it crously small.

3665. What is the Protestant chaplain now?—£. 300 a year.

6. Has he a house?—He has a very nice and garden.

7. And other advantages, I suppose?—He he advantage of being close to his work.

8. You considered that sum of 40*l.* very indeed, and you would have preferred not ve received it?—I would not have received had been there at the time.

9. Have you made any application for its ise since you have been there?—No.

0. I think I was right in saying that you ore anxious to procure religious instruction ur prisoners than to increase your salary? o not want the salary; I not only do not it increased, but I do not want it at all. I ry willing to do the work without a salary, authorities will allow me to do it in such a r as will produce a proper effect upon the of the prisoners.

1. At present you cannot do that, as your are tied?—That is so.

2. Do you think that if the magistrates ou free access to the prisoners, and allowed o have instruction at such times as were ary, you could really produce a useful upon the minds of the prisoners?—I do not it, especially upon the minds of those who e most ignorant among them.

3. Do you wish to make any observation any matter which I may not have asked on, but which you yourself are cognizant No, I do not recollect any matter that I desire to bring before the Committee.

4. Do you not think that it is a very unpolicy on the part of whoever may be sible for it, that the Catholic prisoners are lowed the same opportunities of improvethroughout the country, generally, as the stant prisoners are?—I think that it cer is; I think that until we have those rights d to us by Act of Parliament, we shall not justice done to us; I think it is an in that we should be dependent upon the of any body of magistrates.

5. You are of opinion that it should not pendent upon the individual will of any body to do a great wrong, or to grant a —That is so.

6. Is it your opinion that the State stands *parentis* to a prisoner, and is bound to e for his religious instruction and improve —I think so.

7. If that be true in the case of a Pro prisoner, it is equally true in the case atholic prisoner?—Quite so.

8. And you would consider that it is unfair to blame Catholics if they are mitted, when they are not afforded facili r religious instruction when in gaols?—

9. Is it not unfair to blame them for the uences of the acts of those who will not em religious instruction when they are in y?—It seems to me quite unfair.

0. Are you of opinion that the law should nged, and that what is now permissive be made obligatory?—Precisely; I think isoners ought to be placed upon a perfect ith the Protestant prisoners, whose rights ured to them by Act of Parliament. It is the power of the visiting justices to take rom them the services upon the Sunday services of their chaplain, and so I think ld be with us.

3681. Are you of opinion that in any prison where there is only one service upon the Sunday, there is a very great inducement on the part of Catholics to attend it?—There is an inducement to avoid the tedium of the solitary confinement of the cell, and that is no trifle.

3682. And that source of injustice you think should be done away with?—Yes.

3683. Quite independently of the advantage of having his own clergyman to instruct him, and his own worship to attend?—Yes.

3684. Mr. *Synan.*] Do you think that solitary confinement is looked upon by the prisoners as a species of punishment?—I think they look upon it as the greatest punishment they have to undergo.

3685. And, therefore, you do not think that that which is fairly counted as punishment, just as much as putting upon the treadmill or anything else, should be made the instrument in inducing them to go to the Protestant worship or any worship not their own?—Precisely.

3686. You say that you visit the prison twice a day?—I do not as a fact; I am allowed to visit twice a day, that is except Sunday and Saturday.

3687. Are you not allowed to visit on Sundays and Saturdays?—I am allowed to visit on Sundays at noon and on Saturdays at noon, but not in the evenings.

3688. Was the application that you made, an application for liberty to celebrate divine service upon the Sunday?—I did not make any special mention of the Sunday.

3689. Did you make that application by letter?—Yes, by letter.

3690. Did you receive an answer by letter?—I did.

3691. Have you those answers with you, or any of them?—Yes; first of all, I have a pamphlet which I printed in the year 1861, consisting of correspondence between myself and the visiting justices.

3692. That discloses the correspondence between you and them?—Up to that time; but there has been correspondence since.

3693. Do those letters of refusal that you received to your applications contain the grounds of the refusal?—No, they do not.

3694. For instance, they do not state the grounds upon which the prison authorities refused your permission to hold Divine service upon the Sunday?—I think not in any letter directed to me. I gather those objections, which I have before stated, not from their letters to me, but from the reports published in the newspapers of the proceedings at the quarter sessions.

3695. The letters from the governing body to you did not disclose the grounds upon which they refused those applications?—They did not.

3696. Is there a Creed Register kept in the prison?—There is a book kept, in which all the Roman Catholics are entered, or, at least, I suppose they are all entered; it professes to contain all those who belong to my religion.

3697. You are aware that, by the last Act of Parliament, there is a Creed Register obliged to be kept?—I am aware of that.

3698. Have you access to that?—I have access to a book which contains the names of the prisoners I am allowed to visit.

3699. But does it contain a register of the creed of all the prisoners in the gaol?—No, it does not.

3700. Have

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3700. Have you ever seen that Creed Register in the gaol containing the name and creed of every prisoner in the gaol?—I have not.

3701. Have you ever asked to see it?—No; I do not think there is any such book. I have never seen it, and I think I should have come across it if it had existed.

3702. Have you applied to the governor of the prison for liberty to see the document in which the creed of the prisoners was entered?—No, I have not.

3703. What is the application you made to the governor with respect to seeing the record of the creed of the prisoners?—I never made any application with respect to seeing the record of the creed of the prisoners.

3704. From whom do you ascertain that a prisoner is a Catholic or a Protestant?—From this book, in which all the Catholic prisoners are inserted.

3705. That is given to you as a kind of memorandum of the creed of your own people by the governor; is that so?—Precisely.

3706. Did you apply for that, or was it given you voluntarily by the governor?—It was given to me voluntarily by the governor after the passing of the first Prison Ministers Bill.

3707. When he was handing you that document, did he tell you that there was a general Creed Register kept in the prison?—No.

3708. He said nothing at all about it?—No.

3709. Did he tell you from what document he took that copy or that memorandum which he handed to you?—No.

3710. Did he tell you that he took it from any document or register in the prison?—He did not take it from anything at all; the clerk made it out.

3711. Did the clerk make it out from any other document?—I do not know that he did. I look in the general books, and I see "R. C." written in red ink over certain names, and those names that have the red letters "R. C." on them are taken out and put into my book; that is the book in which the prisoners are numbered and named, and the Catholics are marked with those red letters.

3712. And nobody else is marked?—No.

3713. You said that the governor was in the habit of asking the Catholic prisoners when they came into the gaol whether they would go to the chapel or see the priest?—Yes, that is so.

3714. How did you ascertain that; was it from the governor himself?—Yes; I have talked to the governor about it, and he does not deny it; and I have tried to show him that it is not a fair thing to do, and he scarcely denies that; but he is under the direction of the justices, and cannot act otherwise than he does.

3715. Was that his excuse?—That is what he said to me when I complained to him of the practice.

3716. Did you complain to the governor that your people misunderstood the meaning of the word "chapel"; that they thought it meant the Catholic chapel?—I do not think I put that to him.

3717. You put it on the ground only of general unfairness?—I told him that it was unfair for a man in his position to ask a poor trembling culprit any such question.

3718. What is the court that you mentioned composed of?—Of the magistrates of the southern division of Hampshire.

3719. Are you the only clergyman for gregation of 500?—I have lately had an as and I have one now.

3720. Are those 500 of your people Almost all of them.

3721. I suppose they find it a hard th support two clergymen by voluntary co tions?—No, they do not support two clerg the place is so far endowed that, with wh receive also from the barracks and the litt comes from the gaol, we can go along v ever calling for contributions.

3722. What do you call endowed?—Th certain monies (how located I do not know) produce so much per annum; that is gi the support of the priests at Winchester.

3723. Then that is I suppose, the re voluntary contributions perhaps over the co —No.

3724. Is it a local contribution?—No.

3725. Does it consist of gifts?—Origin may have been gifts.

3726. Does your attendance at the pris der an assistant necessary for your peo what was the cause of your employing That was the main cause of it.

3727. But for the attendance at the p suppose, you could yourself attend to th gious wants of the congregation?—Ver indeed.

3728. Without any assistance?—Yes well indeed.

3729. Do you think 40 *l.* a year suffic pay for your assistant?—If you mean to p his support, and for what must be allowe I do not think so.

3730. Independently of everything else, a year sufficient to maintain, in the positi gentleman, your assistant priest?—Certain

3731. You stated to the Committee tha is great ignorance amongst the prisoner they all ignorant and uneducated, or the part of them?—No; some of them hav abilities naturally, and at the same time h a little cultivation, and can read well, wri cypher tolerably, and are rather intelligen

3732. How many of them do you mean apply to, to the half, to two-thirds, or wh portion?—Perhaps it would apply to one-

3733. Then the other two-thirds are wh may call ignorant and uneducated?—Co tively so, and some are very ignorant ind

3734. Apart from the inconvenience of struction, would not religious instructi classes, or even instruction in common of general character, be more effective as the people receiving instruction, than by —Yes.

3735. When you instruct those 49 p singly, you say that you can only give prisoner about two minutes?—It is rathe now, since I have increased my time; I is about three minutes.

3736. But if you could instruct them mon, could not you devote a whole hour t —Very well.

3737. And for moral purposes ge would that not be as effective, or more each individual, than if you instructe individually for two minutes each?—Cert

3738. Lord *Henley.*] Do you know wha number of the Protestant prisoners in th —The number according to the return is

3739. You mentioned that the salary

Pr

Protestant minister was 300 *l.* a year?—Yes, and a house.

3740. Does the number of Protestant prisoners ever rise as high as 300?—I do not know.

3741. And the number of Catholic prisoners you mentioned as 39, did you not?—That was the actual number when I last counted them.

3742. Then the salary of 40 *l.* a year, which is now given to the Catholic chaplain would not be quite proportional to the number of prisoners, but it would not be so very far different from the scale on which the Protestant chaplain is remunerated?—No; judging of it on that principle only.

3743. But, then, why if those two payments are somewhat proportional, do you repudiate the payment to the Catholic chaplain as being so wholly inadequate?—One reason is, because I am living a mile or nearly a mile from the gaol, and consequently I have to walk two miles every time that I attend the gaol from my own house. Another reason is this, that I do not think that a capitation tax is a fair way of paying two gentlemen whose circumstances differ so much; that is to say, I do not mean merely on account of my distance from my work, but if I am there and perform Divine service, we will say for 40 prisoners, it takes me as much time, and labour, and attention, and care, as it would if there were 100.

3744. But the nature of your ministration has not been that of a public service, but of private interviews with each separate prisoner?—Yes; but I have to spend more time there than the Protestant minister does; though he has 300 *l.* a year, and I have only 40 *l.*

3745. Does that arise from the particular way in which your services are regulated by the prison authorities, or from the nature of the Catholic religion, which requires your attention to be given to each prisoner individually?—It is mainly because the prison authorities will not allow me to see more than one prisoner at once.

3746. If you could see the prisoners collectively, you think you could manage for the Catholic prisoners with the same amount of time and salary as the Protestant chaplain does for the Protestant prisoners?—Not exactly so, for there are requirements in our religion which do not exist in the Protestant religion; there should be more intercourse between the priest and the prisoner; the priest should see the prisoner in private, as he has certain things to transact with him which the Protestant chaplain has not to do.

3747. *Cæteris paribus,* if you were asked point-blank, must the Roman Catholic chaplain be paid at a higher rate than the Protestant chaplain, you would be obliged to say, yes?—I should say, no, decidedly.

3748. He might be paid at an equal rate then?—Yes.

3749. I should like to know whether you have any general knowledge of the position of your Church throughout England, as I wished to ask you whether you think it would be likely that in any great borough or county gaols in this country, there would be wanting a Roman Catholic priest residing near, who could give his services to the Catholic prisoners if required; do you think there is a Roman Catholic priest resident in every large town?—I should say pretty nearly so.

3750. In those cases where there was no Catholic priest residing within easy distance of the prison, in what way would it be possible for the Roman Catholic prisoners to be attended to; have you ever thought of that, or have there ever been any cases where the Roman Catholic prisoners were a great distance from their priest?—Never.

3751. You have always found in the case of any great prison, that there has been a Roman Catholic priest within easy distance?—Yes.

3752. Mr. *Dalrymple.*] You told the Committee that you were consulted with reference to the books which the Roman Catholic prisoners had to read?—"Consulted" is perhaps hardly the word; the justices introduce no Catholic books into the gaol for the use of the Catholic prisoners, except such as I myself request them to purchase; but they purchase them now themselves and pay for them, and not I.

3753. When it is said that they can have Protestant books also, I conclude you mean books which are common to all?—Books in the general library.

3754. You mentioned that a Bible and a Book of Common Prayer and a tract were in everybody's cell; whose arrangement is that?—I suppose it is an arrangement made by the order of the visiting justices.

3755. Have you ever remonstrated against that?—Yes, I have.

3756. What was the result of your remonstrance?—The answer, I think, was that it would be an inconvenience to remove them from those cells which the Catholics happened to occupy, inasmuch as they are continually changing the cells. The same prisoner does not continue in one cell through the course of his term of imprisonment, but he continues there as long as he is in class 1, and then when he is in class 2 he is removed to another cell, and to another in class 3, and so on until he gets to class 5.

3757. Then the probability is that those prisoners would be short-sentence prisoners, and that it was not worth while to remove those books, because the same prisoner would probably be in that cell only a very short time?—The books are left in all the cells whether the prisoners are there for long or short sentences.

3758. I take it that the question put by the governor with reference to whether the prisoners would attend the chapel, or see their own clergyman, was a matter of prison arrangement. You do not mean to say that it was done with any proselytising intention?—I cannot suppose anything of the sort on the part of the governor, most certainly; he puts the question in as fair a way as possible.

3759. I think we may infer that the reason of a prisoner going to chapel would be from a desire to get out of the cell, and not from any confusion between the word "church" and the word "chapel?"—It has happened through that confusion, according to what the prisoners themselves have told me.

3760. But would it not be the case that in all such buildings the place of worship would be called the "chapel," whether Catholic or Protestant?—That may be the fact, but it is not a fact which would suggest itself to their ignorant minds.

3761. Mr. *Guest.*] You have had some correspondence with the visiting justices upon the subject of the association of the prisoners, have you not?—Yes.

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3762. In what year did your correspondence begin?—The 10th of May 1860.

3763. Did you ever mention to the justices in this correspondence that you would desire to have service upon the Sunday?—I think the Sunday was never specially mentioned.

3764. Did you ask for any services at any time?—Yes. I have asked to be allowed to say mass for the prisoners; that is, that we might have Divine service.

3765. Did you ask for permission to have Divine service generally?—Yes.

3766. Did you not mean that you should be allowed to have Divine service on the Sunday?—I do not know that I had Sunday particularly in my mind.

3767. You told me that you asked to be permitted to hold Divine worship according to your rites, in the gaol?—Yes, that is so.

3768. Had that been conceded to you by the visiting justices, do you mean the Committee to understand that you would not have had it on the Sunday?—If it had been permitted it would have been held upon the Sunday, but if there had been any other day specified it would have been upon that day.

3769. But I take it that you attach more importance to having Divine service upon the Sunday than upon any other day in the week?—Yes, the Catholic Church orders all her children to hear mass on the Sunday.

3770. Therefore you consider that it would be more important that the Roman Catholic prisoners in a gaol should hear mass upon the Sunday than upon any other day in the week?—Certainly.

3771. There were several objections made to your application; you stated two, one being that if you obtained permission, any dissenting body might ask leave to perform their worship in the gaol upon the Sunday?—Yes.

3772. Another reason being that there was no room adequate for the purpose?—That was so.

3773. You stated that your answer to that objection was that you would build a room?—Ultimately. First of all, they observed that they would have to furnish a room, and I said, "I will furnish it myself," and then it was objected that there was no room, that they would have to build a room.

3774. And you then offered to build the room?—Then I offered to build the room.

3775. Is that in this correspondence?—No, this correspondence is ten years old, but this circumstance has just happened.

3776. When did it happen?—The last offer was in a letter to the Earl of Carnarvon, written about two months ago.

3777. When did this printed correspondence cease?—It was printed, I think, in 1861, so that it is nine years old.

3778. You renewed your application after 1861 to the visiting justices for permission to hold service?—Over and over again.

3779. After 1861, when did you write again?—I cannot give you any date.

3780. In fact we may take it that you have written to the visiting justices every year for that permission?—I do not know that I have written so often as that; I was in correspondence with the Earl of Carnarvon about it in the course of last year.

3781. Have you any copies of your correspondence in your possession here?—No, I have not.

3782. To what did your correspondence with Lord Carnarvon during the last year refer, did it refer to Divine worship on the Sunday or to your building a room, or to what did it refer?—It referred to all those questions, it referred to having Divine service, to the times when I myself was allowed to go to the gaol which I wished increased and which they kindly have increased, and also to my making use of my assistant when I am unable to go myself to the gaol, which they also very kindly granted; my assistant is now doing his duty there for the first day.

3783. Did you apply for any payment to that assistant?—Never nor for myself either.

3784. What was the answer with regard to your building a room?—I never had any answer to that point.

3785. Was that application made by a separate letter?—No.

3786. Was it mentioned amongst other things that you would be willing to build a room?—There certainly must have been other things in the letter, but I do not distinctly remember what those things were.

3787. You stated to the Committee that there was another objection put forward, namely, that the rules and the discipline of the prison would not permit of your having Divine worship?—That was in the same chapel with the Protestants, it was in answer to my observation. When they objected that they had no room, I observed "The same room answers the purposes of both Catholics and Protestants in convict gaols sometimes, and in military prisons, and in several borough prisons." Then they made that objection and said that it could not be done without upsetting the routine of the gaol.

3788. In answer to a question put by the honourable Chairman, you stated that you considered that objection was groundless, did you not?—I thought it could be easily made to square in with the regulations; the regulations are not the laws of the Medes and Persians; they could be altered, and why should they not be.

3789. Are you acquainted with the rules of the prison at all?—Very little.

3790. Do you know what employment the Roman Catholic prisoners, who do not attend the service, have during the time that the Protestants are at chapel?—They can do as they please; they can employ themselves if they like in picking oakum in their cells, or saying their own prayers privately; they can do what they like, in short, but they must be there in solitude.

3791. Were you, or were you not, told at any time by the governor, that one of the great difficulties of your holding service on Sundays, would be the inadequacy of the staff of the gaol?—It was stated that the prison authorities would have to get fresh warders, or something to that effect.

3792. Do you know how many warders there are in this gaol?—I do not know that.

3793. Have you any idea?—I should think 14 or 16 perhaps.

3794. Would you be surprised to hear that there were not so many?—Perhaps I had in my eye rather all the officers together, than the warders only; perhaps there are not so many warders, but I do not know.

3795. Were you ever told, or was it ever intimated to you, that in case there was service held, or that you were allowed permission to hold service

vice upon the Sunday, the only way of doing it would be by asking the Roman Catholic prisoners to forego their exercise on that day?—Never, that I can remember.

3796. You have already stated that you consider that objection was without any foundation, as the laws could be altered; in what respect do you think they could be altered; you must have known pretty well the discipline of the gaol to be able to say that?—I think that all that would be needed would be a little addition to the laws rather than an alteration; there would only have to be added to the present regulations, as far as I see, that "the Catholic prisoners at such a time shall be assembled at such a place"; even the corridor of the prison would do for us.

3797. Are you not aware that prisoners are never left any portion of the day without employment of some sort or another?—If you mean that the Catholic prisoners are obliged to labour during the time that the Protestant prisoners are at worship, I think they are not.

3798. But at other times of the day they are?—There is a certain time allowed for breakfast, I believe, a certain time for dinner, and a certain time for supper; but, except those times, and when they are out for recreation, I think they are obliged to work.

3799. Are you thinking of the Sunday or week day in giving your last answer, as regards employment?—I suppose that there is no work done upon the Sunday.

3800. As far as you know, is there any work done upon the Sunday?—None at all.

3801. Then you do not know that during the time the Protestants are at worship the Roman Catholics are engaged in picking oakum?—When I said that I was alluding to week days only.

3802. You know that during week days they have not a moment for pleasure?—Many of them have.

3803. How long?—It depends upon circumstances; it depends upon the quality of the oakum which they happen to get to pick, and it depends upon their aptitude in picking it; some get through a large quantity of oakum in half the time that others do.

3804. And some of them do not get through it at all?—Precisely.

3805. But do you think that the discipline of the prison on week days would permit you to have time to assemble all the prisoners for worship?—I do not see why not.

3806. Without interfering with the present discipline of the gaol?—There must be some alteration made.

3807. Some relaxation of the work?—I do not say some relaxation of the work. I do not see why there need be any at all; your idea seems to be that if they go to worship, the time which they spend in worship must be lost to their labour. I think not; because you could compel them to labour during the time that Protestants were at worship, unless they are at worship themselves at the same time. If they are at worship at the same time, then it is perfectly fair that the Catholics should have freedom from labour the same as the Protestants; but if they are not at the same time with the Protestants at worship, then they should labour while the Protestants are at worship, and the Protestants should labour while the Catholics are at worship.

3808. Do the Protestants go to worship every day in the week?—Yes, every day in the week.

3809. Do you know at what hour?—A quarter past seven, I think.

3810. What time does that last?—I believe half an hour.

3811. I think you stated that if you had been at the gaol at the time when the salary was appointed to the Roman Catholic priest you would have refused to accept it?—I certainly would have refused it.

3812. You stated that you considered it ludicrously small?—Yes, I do; but it is not on that account merely that I would have refused it.

3813. Upon what ground would you have refused it beyond that?—I had an idea in my mind that in offering it they offered it chiefly for the purpose of being able to say they had offered it; and secondly, perhaps, in the hope that they would shut my mouth and stop my complaints.

3814. Do you receive 40 *l.* a year now from the visiting justices?—Yes.

3815. Though you consider it ludicrously small, and though you do not wish to have any salary whatever, you still receive it?—I do not say that I do not wish to have any salary whatever.

3816. Have you ever represented it to the visiting justices as being ludicrously small?—No, I never said one word to them about salary in my life, and never will.

3817. Though you thought it small you never asked for an increase?—No; and I never shall, under any circumstances.

3818. But you have never refused to receive it?—I have never refused to receive it.

3819. You say that the Roman Catholic priests, yourself, and also your *confrère*, are well supported in Winchester. You have an appointment under Government, have you not, in the barracks?—Yes.

3820. You now attend, or can attend the gaol, three hours a day, can you not?—I can, from half-past twelve to half-past one, and from a quarter past six to eight.

3821. That is three hours during the day; you can be in the gaol, if you choose, for five days in the week?—Yes.

3822. That is 15 hours in the week?—Yes.

3823. Do you consider that 40 *l.* a year is a ludicrously small payment for your services for 15 hours a week?—You must add to the time spent in the gaol the time spent in getting to and from the gaol. As I mentioned before, I live nearly a mile from the seat of my labours.

3824. Do you go there in the evenings frequently?—Very often; in fact, generally in the evenings.

3825. You have a district in Winchester that you minister to, have you not?—The whole of Winchester; and a considerable part of the country belongs to me as my parish or district.

3826. And you also attend the barracks on Sunday, do you not?—Not on the Sundays; indeed never for Divine service.

3827. Do you attend on week-days?—On week-days, just as it happens.

3828. Do you receive from the Government a salary for so doing?—Nothing fixed, but I have a capitation grant.

3829. What is that capitation grant?—Ten shillings for each man up to 100; that is, supposing that there are as many as from 50 up to 100 I get 10 *s.* for each man.

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3830. And, above that, how much do you get?—I think it is 5 *s.* for each man up to 300.

3831. What is the most you have ever received there?—If you mean the largest sum I ever received in a year I suppose it would be about 90 *l.*

3832. Do the soldiers attend your place of worship?—Yes.

3833. On Sundays, as well as on week-days?—They are marched to mass on Sundays only.

3834. You are allowed to enter the barracks at any time you choose, are you not?—Yes; the hospital and the barracks.

3835. You have been a great number of years in Winchester, have you not?—Yes; I went to Winchester in the year 1848.

3836. Have you had an assistant all that time?—No, I have not; I have been there quite by myself till within the last three years, except occasionally; of course when I have had a little fit of illness some one has assisted me for a time.

3837. I think you mentioned that you had seen a book in which the letters "R.C." are marked in red?—Yes.

3838. You stated that it was not the Creed Register?—No.

3839. What book is that?—I do not know; it is one of the large books that lie upon the desk in the chief clerk's office; the name of it I do not know.

3840. You have no reason to doubt that the name of every prisoner who is a Roman Catholic is properly given in to you?—Every prisoner who enters himself as a Roman Catholic, I think, is handed over to me, but there are Roman Catholics who do not call themselves Roman Catholics at their entrance, and there are also, on the other side, Protestants who call themselves Catholics.

3841. Can you give any instances of either?—If you mean, do I remember instances, I have plenty of instances of cases on both sides; I do not know which is the more numerous.

3842. What do you do when you find a Protestant entered as a Roman Catholic?—Generally speaking, I talk to him as if he was a Protestant wishing to know something about the Catholic religion, and I believe that is generally the case.

3843. You have never informed the governor, I suppose?—Never.

3844. Why have you not done so?—I am not allowed to see a Catholic who enters himself as a Protestant, and I think it is but fair I should take my advantage when I have it, and go on doing what I can with that Protestant.

3345. Is there no other reason?—None that occurs to me.

3846. Do you know whether cases of prisoners who have entered themselves as Protestants, being Roman Catholics, have ever come under the governor's notice?—I do not know that that has ever fallen under the notice of the present governor, Captain Hill, who has been there but a very few months, but the officers were aware of it most certainly; they have spoken upon the subject with me.

3847. I suppose you remonstrated with them upon the matter?—No, I did not.

3848. Have you ever requested that Roman Catholics who had entered themselves as Protestants might be permitted to have the entry in the Creed Register changed?—I have not; there was a case a little while ago that I thought was rather hard. It was the case of a person of the name of Peter Crim; he had been in the gaol several times before, and had been in my hands as a Roman Catholic; he came in once more, and called himself a Protestant; and after he had been in the gaol a certain time it is supposed that he felt remorse for having gone to the Protestant worship, and he tried not to go. He told the governor he did not want to go; at least, when the door was opened by the warder for him to go, he said, "No, I do not go." He was reported to the governor, and the governor remonstrated with him, but, in spite of that, the next day that man would not go, and he was put upon bread and water for one day; nevertheless, the next day he would not go, and he was put upon bread and water two days, and that seemed to have the effect of subduing him, for after that he went for a time; but, whatever was the reason, he again objected, and he was again put upon bread and water, and that had the effect a second time of bringing him round.

3849. Are you quite certain that that was the case of Peter Crim, and not of Michael Crim?—That was so; there were two brothers named Crim.

3850. Did you speak to the governor about that man?—No, never.

3851. How did you know of this occurrence with regard to Peter Crim?—In the first place I knew it from the mouth of Michael Crim, who was in the gaol at the same time. Peter Crim I had not seen.

3852. You do not remember any instance of Michael Crim entering himself as a Protestant, and wanting to change his religion in the Creed Register?—No, I do not.

3853. You would be surprised to hear that that was the case?—I know that he came in as a Protestant, but that, as far as I know, is the only time he had ever been in gaol.

3854. Would you be surprised to hear that there was a similar occurrence with regard to Michael Crim, the brother of Peter?—I should, because I am under the impression that he had never been in the gaol but once up to that time.

3855. Do you know of any other instances, or frequent instances, of prisoners entering themselves as Protestants when they were Roman Catholics?—Yes; I know there have been others.

3856. Have you ever heard them give any reasons for so doing?—No, I never heard them give any reason. With regard to the other side of the question, the deputy-governor and I upon one occasion were speaking of Protestants coming into the gaol and calling themselves Roman Catholics; the reason he gave for their so doing was that they expected a long sentence, seven or five years of penal servitude, and they wished to be sent to Portsmouth, to which prison Catholics, at that time, were specially sent, and where the work was, or was thought to be, very much easier than at several of the convict prisons. That was the reason why those men pretended to be Roman Catholics.

3857. Mr. *Knatchbull-Hugessen.*] Are any of the warders Catholics?—No.

3858. Are you well acquainted with the Book of Common Prayer in use for the Church of England?—Pretty well; I have looked it through several times, and read most of it.

3859. When you stated, in answer to a question of the honourable Chairman, that the ordinary services of the Book of Common Prayer were

vere strongly anti-Catholic; did you mean to tate that, or were you only referring to those passages in the Articles of the Church of England at the end of the Prayer Book, which the honourable Chairman read out to you?—I cannot remember that I made that statement as to the services of the Prayer Book. I never meant to ay so.

3860. The ordinary services of the Church of England would, probably, in the eyes of Roman Catholics sin more by omission than by commission?—Certainly they are Catholic as far as hey go.

3861. You mentioned "the Protestant tract" eing placed in the cells of prisoners; is that any articular tract?—I did not mean to say *the* tract; meant *a* tract; one tract, with the Bible and Prayer Book is left in each cell.

3862. But a different kind of tract is left in ach cell?—Yes, there are hundreds of them bout, I believe.

3863. Is it within your knowledge that those racts have been of a controversial character, or alculated to be offensive to Roman Catholics?—es, as you will find mentioned in the correspondence.

3864. With regard to the same room being sed for Catholic and Protestant worship, is it not ssential for Catholic worship that Divine worship should be performed at a certain time upon he Sunday?—If you refer to the mass, that hould certainly be after daylight and before the vening.

3865. *Chairman.*] Before mid-day?—Not necesarily; it might be at one o'clock, but not in the vening.

3866. Mr. *Knatchbull-Hugessen.*] But so far as ou know, there is no reason why the times of he two services should clash?—I see no reason hy they should.

3867. Does the Protestant chaplain ever visit our Catholic prisoners?—He visits them, but ot, I think, with any unfair intention; he has o make certain marks on their cards every now nd then, and to report upon them.

3868. But it is not necessary that he should isit them, is it?—I suppose it is for his purposes.

3869. But is there not a provision in the Act 1865 which relieves Catholic prisoners and risoners belonging to other than the Church of ngland, from the necessity of receiving the visits the chaplain?—Considering those visits as linistrations, or intended to instruct the prisoner, s; but I think he has certain things to do with gard to each prisoner: to report regarding his arks, and so on, which he cannot do without oing into his cell.

3870. But at all events, you make no complaint on that head?—No, I have no reason to do so present; I had formerly.

3871. Have you any complaint to make about roselytizing being carried on, or interference th your prisoners by or with the connivance of y of the officers of the gaol?—I think that e main evil lies in the school.

3872. Are the prisoners forced to attend the hool?—I can hardly say, for the rule as it ands is very badly worded, and some of the atholic prisoners have understood the rule to ean that they must go to school; but I am told e rule is not intended to have that meaning.

3873. Is the instruction given in the school ven in such a manner as you think militates 0.60. against the interest of the Catholic faith?—I am convinced that it is so at times.

3874. Have you made representations to that effect to the authorities?—I have told the visiting justices plainly that I am obliged to forbid Cathlics with the sanction of the bishop from attending the school, because it is dangerous to their Catholic principles, and I have requested that an alteration might be made which would render it unnecessary to enforce such a prohibition.

3875. And has that alteration been made?—A promise was given that some alteration should be made with regard to prisoners of long sentence, but as far as I know, although that promise was made nine years back, it has not yet been fulfilled.

3876. You have no doubt that the ministrations of ministers of religion are useful in aiding towards the reformation of a prisoner?—I think they might be made very useful.

3877. I am speaking of prisoners generally, without reference to any particular persuasion?—Yes, there is no doubt of the fact generally.

3878. Do you think that Catholic prisoners can be reached effectually unless the ministrations offered to them are those of priests of their own church?—I think they can be reached by no other means.

3879. If they do not get those ministrations, and are led to fancy that they are placed at some disadvantage in their treatment, as compared with the treatment which Protestant prisoners undergo, do you think that is likely to harden them rather than to reform them?—I do.

3880. You stated that the salary which was given to the Roman Catholic minister you thought was given by the justices for one reason, in order that they might be able to say that they had done so, but is it not the fact that concessions have been made by them gradually since you first visited the prison?—Yes, very gradually.

3881. But still a more liberal spirit has been gradually shown?—Yes, the present committee contrasts very favourably with its predecessor, of which Lord Cholmondeley was the chairman.

3882. Do you think you are likely to be placed in the position which you think you ought to occupy as a Catholic minister in the prison, unless Parliament interferes with the discretion which is now left to the visiting justices?—No, I think that no Catholic priest will ever have anything like justice in the Hants County Gaol until Parliament has interfered, and even if they could expect justice from the county justices, I do not think even then they ought to be content. I think it ought not to be in the power of any body of men, or any bench of magistrates, to give or take away the rights of a free-born Englishman.

3883. By the rights of a free-born Englishman I apprehend you are only meaning the rights to spiritual instruction?—No, I mean more than spiritual instruction; I mean the right of every man to worship God according to the rites of his church.

3884. And you think that when the State takes cognizance of a person as a criminal, and confines him in a gaol, whatever his religious opinions may be, it should take care that he does not lose the proper religious ministrations of his church?—Yes, so far as is reasonable.

3885. I understood you to state to the Committee, that you thought a capitation allowance would not be sufficient, but that any gentleman who was called upon to perform services at a gaol,

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and devote his time to it, should have an adequate salary; would you limit the application of that principle at all by the number of persons to whom he had to minister?—Some regard must be paid to the number of persons, no doubt, but it should not be decided upon that ground simply and solely.

3886. Supposing there is an average of five prisoners in any gaol belonging to a certain persuasion, would you think it necessary that the authorities should provide out of the public, or their local funds, a salary for the minister of that church?—I believe that that is done for Protestants of the Church of England in Ireland, and I do not see why it should not be supplied in England for the Catholics where they are in so small a minority.

3887. That is your opinion?—It is.

3888. Would it be satisfactory to you, supposing a system was introduced, based upon the principle of capitation, but providing a minimum salary, that is to say, that not less than a certain salary should be given in any case?—It would.

3889. You would be satisfied with that system, provided that with it there was given permission to ministers of your persuasion to visit the prisons upon terms of perfect equality with the Protestant chaplains?—Yes, if you mean to include the freedom of Divine worship.

3890. You consider it essential to the due care of Catholic prisoners, that they should have proper facilities for assembling themselves for Divine worship upon the Sunday?—I do.

3891. In other respects, besides what you have stated, you have no complaint to make of the authorities of the gaol?—I think there is nothing that I need mention.

3892. Sir *John Pakington.*] I understand you to state that you are allowed by the authorities of the prison to visit each day, except Saturday and Sunday, for three hours; is that so?—From a quarter-past 12 to half-past 1, and from a quarter-past 6 to 8.

3893. That is three hours?—Yes.

3894. Do you each day avail yourself of that permission to attend for three hours?—No.

3895. Do you often attend twice?—Yes.

3896. Do you attend twice on the majority of days?—No.

3897. How often do you attend twice?—I have been allowed to attend twice for a very short period. I really have not counted the number of times I have been there twice a day, or the number of times I have been there once.

3898. You say you have been only for a short time permitted to attend twice a day?—It is a very recent concession on the part of the justices.

3899. When was it conceded?—Only a few months back; I cannot state the exact date.

3900. Was that concession made in consequence of any demonstration on your part?—Yes, in consequence of very earnest petitions and requests to be allowed to visit the gaol more frequently in the day than once.

3901. Previously to that concession, how often were you allowed to attend in the day?—Only at noon, from a quarter-past 12 till half-past 1.

3902. What is the present regulation with regard to Saturday?—I can go there at noon.

3903. What is the present regulation with regard to Sunday?—The same; I can go there at noon.

3904. But you are only allowed on either occasion, either Saturday or Sunday, to see the prisoners individually; is that so?—One by one.

3905. Now that you are enabled to go twice, are you enabled to see each prisoner?—No; not every day.

3906. You do not attempt that?—No; I seldom see more than four or five.

3907. At the time that you made this application, and this concession was made to you a few months ago, did you at the same time make any application with reference to combined worship on the Sunday or any other day?—I think that upon my last application for an increase of time I did not make an application for worship.

3908. But I understood you to say you had repeatedly made that application, and that it was always refused?—Yes.

3909. And refused on the grounds that you have explained to the Committee?—Yes.

3910. You stated a little while ago, that the governor was in the habit of asking the prisoner whether they would go to chapel, or whether they would see the priest, and you said that you complained of that as being an unfair question to put to a culprit; why do you consider that an unfair question?—Because a Catholic prisoner knowing the governor to be a Protestant, and considering that all the officers about him are Protestants also, will naturally suppose that he might please the governor and those other officers by going to join in their worship.

3911. Therefore, you think that after a prisoner has once entered himself as either Catholic or Protestant, there ought to be no further question put to him?—I think he ought not to be asked that question after he has called himself Catholic. I think that it ought then to be taken for granted that he will act as a Catholic ought to act.

3912. Have you not already told the Committee that you yourself endeavoured to explain to a Protestant, who had entered himself as a Catholic, that he had better act upon the profession and become a Catholic?—I did not say that, that I can remember.

3913. I understand that you have not very frequently availed yourself of the power to visit twice in the day?—I have frequently, considering that it is only a short time since I have been allowed to do so.

3914. Whenever you do so, I understand you are obliged to walk nearly four miles for the double attendance?—That is so. From 1st M. 1869 to 1st May 1870 I thus walked 768 miles.

3915. When you remonstrated against the Protestant Bible and Prayer-book being left in the cell, you said that the authorities refused to remove them; was that so?—They did not remove them; but, whether or not, they said, "We will not remove them," I do not pretend to say.

3916. Do you not remember whether you got an answer to your remonstrance?—That pamphlet containing my correspondence will show.

3917. At all events, the books were not removed?—Certainly not.

3918. And you also said that when you applied for Roman Catholic books for the Roman Catholic prisoners, the visiting justices gave you the books you asked for?—They have done so invariably since they undertook to buy them.

3919. Can you tell the Committee whether after a Roman Catholic prisoner had left his cell those Roman Catholic books still remained in

cell for the Protestant prisoners?—No, they did not.

3920. In that case there was no objection to remove the books?—None.

3921. This pamphlet, which is before the Committee, I understand to be the correspondence carried on between you and the visiting justices nine or ten years ago?—Yes.

3922. In addition to that, you say you have have had a recent correspondence with Lord Carnarvon?—Yes.

3923. At the time of this former correspondence who was chairman of the visiting justices?—Lord Henry Cholmondeley.

3924. At the time you had this correspondence with Lord Carnarvon, who was chairman of the visiting justices?—Lord Carnarvon himself.

3925. What was the object of the correspondence between you and Lord Carnarvon?—It was with reference to the time of my visiting the prison; with reference to having the use of my assistant, and to having Divine worship for the prisoners collectively, and seeing them together.

3926. Do you consider that the concession made respecting your second visit is one result of that correspondence?—Yes, I do.

3927. In that correspondence last year with Lord Carnarvon, did you renew either of those suggestions with respect to building a room, or of letting the Catholics and Protestants go to the same chapel?—It was in that correspondence that I made the offer.

3928. In that correspondence you renewed the proposal for combined worship?—Yes.

3929. And that was again refused?—Yes.

3930. Then you were asked whether, if worship were allowed, that could be done without interfering with the labour of the prison; I presume that the time occupied by the Roman Catholic worship would not detain the prisoners from labour longer than the time occupied by the Protestant worship if the arrangements were properly made, would it?—I should think not.

3931. What was the nature of your complaint with reference to the school?—My complaint was that the Protestant Bible was read there and interpreted by a Protestant schoolmaster, and, of course, interpreted in a Protestant sense.

3932. Was that the only complaint?—Yes.

3933. Did you never make an application that when that part of the school lessons was carried on, the Roman Catholic prisoners should be allowed to retire?—No, I never made an application in that shape, but I have asked for some alteration to be made.

3934. You remonstrated generally?—Yes.

3935. But your remonstrances were disregarded?—Not entirely; a promise was given me that an alteration should be made, but no alteration has been made to my knowledge.

3936. If I understand you rightly, the promise that that alteration should be made was given nine years ago?—Yes.

3937. It has not been fulfilled, I believe?—Not yet.

3938. *Chairman.*] Are you in possession of that correspondence which you have mentioned?—I have most of the letters, if not all.

3939. Could you forward them to the Committee?—I shall be happy to do so.

3940. With reference to the inadequacy of the staff, do you think it would require more than one warder to conduct 39 or 40 prisoners to chapel on Sunday?—No, I do not see why it should.

3941. I suppose the Catholic prisoners would be very glad to attend the Catholic worship on the Sunday?—No doubt; they have repeatedly made complaints to the visiting justices.

3942. Then, it would not be very difficult for one warder to control them, when they were doing the very thing they liked?—Certainly.

3943. Therefore, upon that ground, there would be no great difficulty?—None.

3944. You were asked by an honourable Member whether Catholics might not forego their exercise in order to attend the Catholic worship; do you think it would be fair to ask any prisoner, of any persuasion, to forego any advantage for the sake of attending his own worship?—I do not think it would.

3945. But supposing that were put as an alternative, do you think it would be a fair thing to put such an alternative, that he should forego an hour's healthy exercise for the purpose of attending his religious worship?—I do not think it would.

3946. Mr. *Downing.*] I understood you to say that you could object to be paid per head for your attendance as a clergyman upon the prisoners; you do not think that that is a proper and right mode of paying the Catholic clergyman?—I have never considered the matter at all.

3947. You have said that you objected to the capitation?—It is not a fair way of paying me, that is to say, I do not get a fair share of what the chaplain gets, if you limit me to that scale.

3948. I find by the return, that there are 49 Roman Catholics in the gaol at Winchester, over which you are chaplain?—Yes, that is so.

3949. I find that the salary of the Protestant clergymen is 300 *l.* a year?—That is so.

3950. And that the number of Protestant prisoners is 226?—Yes.

3951. That would give 1 *l.* 6 *s.* 6 *d.* for each Protestant prisoner?—Yes, and he has his house besides.

3952. That would make it about 1 *l.* 10 *s.* for each Protestant prisoner, and you have 40 *l.* for 49 Catholic prisoners; is that so?—Yes.

3953. That would give you 16 *s.* 4 *d.* for each prisoner, according to my calculation?—Yes, no doubt.

3954. I find that in Liverpool there are 570 Roman Catholic prisoners; you would not expect if you were chaplain of that gaol to be paid 1 *l.* per head for that number?—No, certainly not.

3955. I understand you to say that you would only expect as much as would maintain you as a gentleman, and enable you to attend and devote your services to the gaol?—Individually, I do not want anything, but I think that a Catholic priest devoting himself to a gaol, ought to be decently supported.

3956. And you do not go beyond that?—No.

3957. Taking Liverpool for instance; there are 469 Protestants in the gaol there, and the salary of the Protestant chaplain is 400 *l.* a year; there are 570 Roman Catholics, and the Roman Catholic priest's salary is but 300 *l.* a year; do you consider that a fair arrangement?—No, I do not.

3958. You have already stated in a former part of your evidence, that the very contrary is the course pursued in Ireland where the vast majority are Catholics, and where there are very few Protestants in gaol?—That is so.

3959. You

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3959. You think the same thing should be carried out in this country?—Either injustice is done here, or it is done there.

3960. Mr. *Synan.*] I suppose you would be surprised to find in Ireland that there is a Protestant chaplain paid even where there are no Protestant prisoners at all in the gaol?—I am told that is so.

3961. When you use the expression "Divine worship," you mean by that, general worship for all on the Sunday or any other day?—I mean worship celebrated by a priest for all the Catholics in the gaol.

3962. And of course when you refer to combined meeting, you refer to combined instruction, do you not?—I have not used the word "combined" at all.

3963. But if you did use it, you would do so in relation to instruction; you would prefer to instruct the prisoners generally, or by classes than individually?—Yes, certainly.

3964. Would it be any interference with the ordinary rules of the prison, or entail the employment of additional warders, if there were Divine service for the Roman Catholic prisoners once on Sunday at a different hour from the Protestant worship?—I do not see why it should be any interference.

3965. With respect to this remonstrance which you made with reference to reading the Bible by the Protestant schoolmaster, and his giving his Protestant interpretation of it, you, I suppose, construed the refusal as a refusal to deal with it either by a conscience clause in the rules or by putting an end to it altogether; you considered that it would involve one thing or the other, either having the Catholics retire or putting an end to the Protestant teaching?—I do not quite understand the question.

3966. If your remonstrance with respect to this teaching were complied with, how would it be complied with?—The only thing as it appears to me that would be satisfactory, would be for an order to be given to the schoolmater to say nothing at all about religious matters, and of course not to read the Protestant Bible; if the Bible were withdrawn as a school book, and if the Protestant schoolmaster was under orders not to introduce any religious subject, I think the Catholic prisoners might go to the school; I am very sorry to be obliged to forbid them.

3967. Or your request might be complied with by taking care that the Roman Catholics should be excluded when the religious teaching is given?—That might be done.

3968. It might therefore be complied with in either of two ways?—Yes.

3969. And a general refusal to comply with it at all, involves a general refusal to comply with it in either of the two ways?—They did not exactly refuse to comply, but they promised that they would make an alteration.

3970. But the authorities have not done so?—No, they have not.

3971. With respect to the fixing of the salary, you have been asked by the noble Lord whether it is from the special rules of the prison or from the peculiarity of the Catholic worship that you say a capitation tax is not the way in which the salary should be fixed; might it not be for both reasons?—Perhaps it might.

3972. And in fixing the salary do you think that the standard would involve not alone the number of people to be taught, but the services rendered in the teaching?—Of course, I think so.

3973. If the teaching in one case was of a more difficult or special character, and, therefore, took up more of one's time than in the other, the services rendered being greater, that would be an element in fixing the salary as well as the element of number?—Certainly.

3974. Mr. *Fowler.*] As I understand you, your complaint is that the Protestant Bible is placed in every cell?—The Protestant Bible, the Common Prayer Book, and a Protestant tract.

3975. I understand you object to the Bible being placed in the cell of a prisoner without knowing whether a Catholic or a Protestant prisoner may be brought into it?—I have nothing to say against it unless a Catholic prisoner is in the cell.

3976. But it would be your wish that when a Catholic prisoner is placed in a cell the Bible should be removed?—That the Protestant Bible should be removed, as the Catholic prisoners have the Douay Bible purchased for them by the justices.

3977. Mr. *Guest.*] You stated, in answer to a question put by the honourable Chairman, that you did not think it would require more than one warder to conduct 30 or 40 prisoners to worship; in case you were allowed to hold service for them; are you or are you not aware that the prisoners are forbidden to speak to each other at any time of the day?—Yes, I am very well aware of that.

3978. Do you think that one man can prevent 30 or 40 prisoners from speaking to each other when they are assembled together, or can protect the prison?—They are not together until they are in the room; they walk at intervals, and are separated from one another by a good distance.

3979. But when they are brought together, I suppose, they would be close to the other in their separate boxes?—They have not separate boxes in our prison. I think they were done away with a few years ago.

3980. I think they are there now; but, however, that may be, do you consider that one warder would be able to prevent 30 or 40 prisoners from speaking together?—If they choose to speak he cannot prevent them from doing so; but he can report them, and get them punished just as well as if there were 20 warders.

3981. Do you think that one man can keep his eyes on 40 prisoners?—He could keep his ears open and hear where the talking came from.

3982. Do you really consider that one warder would be sufficient to watch 30 or 40 prisoners at worship?—That is another question; the question was whether one would be sufficient to conduct them to the chapel. I did not understand it to mean to watch them while there.

3983. You consider that 30 or 40 prisoners could be brought to the chapel by one warder?—Yes, that is so.

3984. But do you think that one warder would be sufficient to watch those prisoners and to be present at the service?—I do not know but what he might; and I think that if there were 30 or 40 Catholics under one warder it would be much in the same proportion as it is now in the Protestant chapel. I am not sure, as I have never been into the chapel.

3985. You would not like to speak authoritatively

tively upon that point?—No, I would not pretend to that.

3986. I think I understood you to say, in answer to a question which was asked you as to whether it would make any difference in the rules of the prison if the Protestant and Catholic worship were held at a different hour, that you did not see why it should make any difference?—There must be, of course, some addition to the rules; but the Protestants now, I believe, go to Divine worship at a quarter past seven, and not before, and I see no reason, for example, why the Catholics should not go at half-past six. Instead of being in their cells they could be at worship, and after they had finished the Protestants could go and have their worship; that would not interfere with any rule of the prison.

3987. But surely that would make an increase of the work for the warders, would it not?—It would make the difference of attending to the Catholics while they are there certainly.

3988. It would impose more labour upon the present staff of warders, would it not?—Yes, it would.

3989. You consider that no objection whatever?—I consider it very trifling. I do not think it ought to have any weight.

3990. You consider it is no more than the present staff of warders could accomplish?—I do not pretend to speak to that; but supposing you had to get a fresh warder, or two, or three, or four, or five, I do not think that ought to prevent the Catholics from having so great a benefit as Divine worship would prove to be to them.

3991. You also stated that you consider you do not get a fair amount of remuneration compared with what the Protestant chaplain gets. I suppose you are aware that the chaplain has no other duties besides those in the gaol?—I presume so.

3992. And I suppose that you would not consider that there was sufficient work for one gentlemen to attend to the Roman Catholic prisoners in the gaol alone?—There is much more than sufficient as I am set to do the work.

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3993. But you are enabled to undertake other duties during the week besides the gaol?—My other duties are my principal employment; the gaol is my relaxation.

3994. With regard to the other duties that you perform during the week, you do not perform them for nothing, do you?—No.

3995. Then, I do not understand exactly upon what plea you propose an increase of salary in the gaol?—I have not asked for any increase or any salary at all, and I will not ask for it.

3996. But, speaking generally, you would not propose that the same sum should be given to the gentleman who came to minister to the Roman Catholic prisoners as is now given to the Protestant chaplain?—No, I think that would be too much.

3997. What do you consider, speaking roundly, would be a proper remuneration?—I think if the authorities continue to retain their present separate system, they ought to give a sufficient salary for the support of a gentleman.

3998. What would you say was sufficient for that purpose?—£. 150 or 200*l.* a year.

3999. Mr. *Downing.*] You have just stated to the Committee that your time is not occupied by 40 prisoners, and that, therefore, you could not expect to be paid as much as the Protestant chaplain. I will just refer you to the Cornwall County Prison; the number of Church of England prisoners is 65, and the salary of the Protestant chaplain is 200*l.* per annum; that is a very considerable sum compared with the number of prisoners, is it not?—Yes.

4000. And if you will then refer to the Dorset County Prison, you will find that for 73 prisoners of the Church of England, there is a salary allowed to the chaplain of 250*l.* per annum?—Yes.

4001. You would not require either of those sums, I believe?—No.

The Rev. JAMES NUGENT, called in; and Examined.

4002. *Chairman.*] YOU are stationed in Liverpool, are you not?—Yes, I am.

4003. You are the Roman Catholic chaplain to the Borough Gaol at Liverpool?—I am, and have been so since the 1st of January 1864.

4004. When were you appointed to that prison?—I was appointed by a full bench of magistrates at the end of October 1863.

4005. Who was your predecessor?—My predecessor was the Rev. Mr. Gibson.

4006. Under what circumstances did the Rev. Mr. Gibson attend the gaol?—He gave his services voluntarily, and was allowed to attend the prison whenever any prisoners required his services.

4007. Could he go at any time he wished himself, and make a voluntary visit to the prisoners?—The Catholic prisoners were very numerous; and as from the number of prisoners there was always a number of sick Catholics, of course he constantly visited the prison; but he had not such free access to the female side of the prison as to the male side.

4008. What is the average number of Catholic prisoners in the Borough Gaol?—Generally speaking there are over 500.

4009. What is the number of Protestant prisoners?—Somewhere about 400; if you set down the Catholic prisoners as 500, you may set down the Protestant prisoners as 400; that is generally speaking about the average.

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4010. What is the estimate of the Catholic population of Liverpool?—The Catholic population of Liverpool is variously estimated; I have been a priest in Liverpool for about 22 years, and I consider that the lowest estimate of the Catholic population is 150,000, but it may vary from 175,000 to 180,000.

4011. It is a very large Catholic population, is it not?—Yes, it is.

4012. Could you give the Committee an idea of what class the Catholic population consists?—The Catholic population of Liverpool is chiefly composed of the labouring class, who are dependent upon casual labour; we have a large number of Roman Catholic shopkeepers, some few professional men, and some few Catholic merchants, but the number of those in good circumstances is very small indeed comparatively; I should mention that the Irish population of Liverpool, of the labouring class, was estimated by a gentleman who read a paper at a Social Science meeting,

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meeting, held in Liverpool in 1858, to be over 100,000.

4013. They are composed of a very poor class, and oftentimes liable not only to poverty but to temptations arising from poverty?—Certainly.

4014. In the Borough Gaol, there are women as well as men?—In the Borough Gaol I am sorry to say, the female Catholic prisoners exceed the number either of Catholic or Protestant male prisoners.

4015. With reference to the education and intellectual condition of those people; are they ignorant, or the contrary, as a rule?—Amongst the Catholic prisoners who come to the gaol, I may say that it is quite an exceptional case to find a person of any education; I have kept a very exact account of them, and it is quite an exceptional case to find a Catholic in the gaol who has been in any position of responsibility.

4016. The Catholic prisoners are generally of the very poorest and lowest class, are they not?—Yes; during the six years I have been there, at the present moment there is the third prisoner who has enjoyed any degree of education, who is employed upon the prison books.

4017. Are there factories in Liverpool?—There is no industrial employment for women; there are no factories; the only kind of factories are places for sack making, and the women, I am sorry to say, who are employed in that form of labour, generally speaking, fall into most degrading habits.

4018. Is it a remunerative employment?—A woman working in a bag manufactory, or in a marine store, picking cotton, or picking rags, will earn from 6 *s.* to 10 *s.* a week.

4019. At what time do you attend the gaol?—I attend the gaol every morning at 10 minutes to 10; my service is 10 minutes to 10, and I spend the whole of my mornings there, generally speaking, till half-past 12.

4020. On Sunday, what service do you perform?—On Sunday I have morning prayers, mass, and sermon at a quarter to nine, which is always finished at about five minutes to 10.

4021. Do you have the same again on Sunday afternoon?—I have afternoon service at a quarter to four, and then I give practical instruction to the prisoners, after the prayers.

4022. Is there any restriction or limit with reference to your attendance and freedom in discharging your duty?—I have perfect freedom in the prison.

4023. Are you recognised as one of the officers of the establishment?—I am recognised as one of the officers of the borough of Liverpool, and in the gaol printed returns my name is put down as one of their officers.

4024. Are you on terms of intimacy and friendship with the governor and chaplain of the prison?—We could not be upon more intimate terms, and there could not be a more intimate relation between us.

4025. Do you ever come into contact, in any way, with them?—Since I have entered the prison there has not been a shadow of misunderstanding between myself and the Protestant clergyman.

4026. Of course you have only to attend those who are registered as Catholics?—Our work is very easily and simply divided. Every Catholic prisoner has his registered number and badge of punishment on his right arm, and the Protestant on the left; over every Catholic cell there is a green label.

4027. Have you one of them with you?—I have (*producing the same*).

4028. Will you read what is on it?—This is the register number, "3523;" occupation, "labourer;" age, "22;" previously in the prison "twice." Where born, "County Mayo;" division "E," cell "No. 55;" dietary class, "1." Offence for which taken up, "drunk;" convicted on the 2nd of May; sentenced to seven days or 15 *s.* fine, and the expiration of his imprisonment May the 8th, this year. In reference to affording a clear understanding, as regards the two classes of prisoners, I have a list placed on my table every morning by the time I come out of the chapel in which there is the number of commitments of the previous day, and the discharges for the following day and the applications, from which I know exactly what my daily duty is.

4029. That is your daily work, I believe?—Yes.

4030. Then, inasmuch as the Protestant chaplain has only to attend to the Protestants, and you have only to attend to the Catholics, it is perfectly impossible that you could come into contact in any way?—Unless we wished to create a misunderstanding, but I think that is almost impossible, as we had known each other for years previously to my appointment, and we understand what our duty is. The Protestant chaplain never thinks of entering into the cell of one of my prisoners, and I never think of entering into the cell of one of his prisoners.

4031. But even supposing that there did not happen to be the same kind and friendly relation between you and him, yet from the fact of your duties being apart from his, there would be no chance of any collision, would there?—The system adopted in the borough of Liverpool, which is very simple, would work very satisfactorily I think, in any other prison in which it was adopted.

4032. Does the Dissenting minister visit the Borough Gaol?—No; the Dissenting prisoners have never raised any difficulty; they attend the Protestant service, and the Protestant clergyman always visits them.

4033. Did you ever hear a Dissenting prisoner raise an objection to allowing the Protestant clergyman to visit him, or to his attending the Protestant worship?—I never heard of any difficulty on that score.

4034. Could a Catholic consistently attend the Protestant worship?—He would not only actually deny his faith by so doing, but he would also be giving scandal to his companions by so doing, and they would look upon him as having denied his religion.

4035. Therefore there can be no analogy whatever with regard to religious ministrations between the Catholic and the Dissenter?—I could not enter a Protestant church and preach or perform any act without giving scandal to my people whereas the Dissenting minister and the Protestant clergyman, as I understand, sometimes interchange those kindnesses. I have never heard of any difficulty with the prisoners about that.

4036. The Protestant prisoners are of a higher class, I believe, than the Catholic prisoners?—They are; they are tradesmen and mechanics we must bear in mind that the reason there is such a large proportion of Catholics in Liverpool is, that from 1846 up to the turn of 185[illegible]

[illegible]

ery large population was poured into Liverpool rom Ireland; that was not a well-to-do class, or trade's class, but the very poorest and most estitute; then again the criminal class in Ireand, as Liverpool increased in its docks and ommerce, found a better market for crime there. he poverty of Ireland did not afford the same arket, and the same facilities for crime, and ublic opinion is much stronger in Ireland as egards prostitution, and that kind of crime, than is in England, so that I could mention small owns in Ireland in which a whole street has been riven out, and they have come and settled in iverpool. Owing to the tide of emigration from reland, Liverpool is an exceptional case as reards the criminal class of Catholics.

4037. Was not the population that came to iverpool mostly a rural population, and one not dapted to settle in a city?—It was an agriultural population driven into a hive of comerce, with a large number of children, and nable to obtain employment.

4038. Before you were appointed, as you say n 1864, was mass allowed on the Sunday?—here was no service whatever.

4038*. When was mass first allowed on Sunay?—On Sunday, 24th January 1864.

4039. At what time after that were two services llowed upon the Sunday?—There was only one ervice at first, and any man who understands the ffect of solitary confinement will know that a risoner will make any sacrifice to get out of his ell.

4040. I wish to know what time after you ere appointed were two services allowed upon he Sunday?—I think it was about 1st October 866, two years after my appointment.

4041. And during that time when there was nly one Catholic service upon the Sunday is it he fact that any number of Catholics attended he second service of the Protestants on that day?—I stated in my report to the magistrates at the nnual gaol sessions, that 15 per cent. of the Caholic prisoners entered themselves as Protestants n order to escape the monotony of being conined in their cells, and the magistrates, I may ay in self-defence, wishing to reduce the number f Protestant criminals, at once insisted that I hould have two services.

4042. And since then have you found Catholic risoners enter themselves as Protestants?—Very ew, indeed, except to escape me.

4043. What do you mean by escaping you?—I have been identified with the poor and criminal lasses for, I suppose, 20 years, and if I have lone anything for them, or shown any kindness o them in the prison, they do not like facing me fterwards. The officers, and the prison authoriies, know that if a prisoner, who is in the habit f getting into the gaol enters himself as a Protesant, it is purposely to escape receiving the reuke which I should give him, or, perhaps, from ot wishing to hurt my feelings, knowing that if e does that, I have no chance of seeing him.

4044. What you mean is that they are either shamed of seeing you, or that they wish to hide hemselves from you for some reason or another?—Yes, that is so.

4045. Do you think that the fact of having no Catholic service in a gaol is a certain means of nducing Catholics to attend the Protestant worship?—I think that it would require a very high nd strong religious principle, as well as great firmness of character on our part, if any of ourselves were subjected to that monotony for twelve months, not to go into the chapel on the Sunday.

4046. Would you regard it then as an indirect and a practical means of proselytizing and breaking a man's own faith?—I do not think that any of those people ever become Protestants, but what they become is totally indifferent to all religion.

4047. Is not that a very unhappy result?—Certainly, and what is more, if a large number of Catholics were to attend the Protestant service I am quite certain that the discipline of the gaol would be very much interfered with.

4048. But with reference to the result, would it not be a result injurious to the individual and dangerous to society if any number of persons became indifferent to all notions of religion?—Certainly; I was going to say that as regards the discipline of the gaol, there has been a very marked difference since the Catholics and the Protestants have had a separate service. We use the same chapel, but at different times. The Protestant chaplain has frequently spoken to me about it, and so have the officers of the prison; they have said that the difference is very marked since we have had separate services.

4049. In what respect?—Those who understand prison life know the means of communication; the chapel is a telegraph office; a man can speak with his eyes or his hands. A man puts his hand upon his breast, and he can tell prisoners at the other side of the chapel that bacon is a shilling a pound in Ireland, and that therefore there must really be bad times.

4050. But you say that the general discipline of the prison has improved; are the Catholic prisoners pleased to know that the clergyman who attends to them is regarded with respect as an officer of the establishment?—Certainly.

4051. Do you think that that circumstance adds to his authority with the prisoners?—I do not think any one could have a more attentive or a more respectful congregation than I have.

4052. Do you think, from your own experience, that a clergyman who differs in persuasion from the prisoners can have much influence over them in effecting their improvement?—I do not think there can be any real reformation except through religion.

4053. And that religion conveyed through a minister of the person's own faith?—Certainly.

4054. You do not believe that you could have a very powerful influence over a Protestant prisoner, nor *vice versâ*, a Protestant minister over a Catholic prisoner?—Certainly not.

4055. And therefore if the object be to reform, that end must be attained through the exercise of religious influence, which can only be exercised through a man's own pastor?—Certainly.

4056. To go to another point; have you had much experience of refractory prisoners?—Since I have been in the prison, there has never been any Catholic prisoner, even the most outrageous, whom I believe I have not been able to subdue, and prevent from committing an outbreak.

4057. Have you any particular case that you could mention?—I have a single case illustrative of that, namely, the case of a man who had been 12 times in the prison, and who was always, up to the time of my appointment, entered as a Protestant; besides having been whipped, and had solitary confinement, he had had seven years transportation, six years penal servitude, and three years penal servitude, and when he came up

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up to the prison, he received some insult from a fellow-prisoner in the reception ward, which made him break out; he tore everything in his cell to pieces, broke his table, and threatened to have the life of the first person who entered his cell. As he had always been a Protestant, every one imagined that he was then a Protestant; and the chaplain and myself being in a room together when this news came, I suggested to the chaplain that he should go and see what could be done with him, and he said, "No, let us look at the religious register first." We did so, and to my surprise we found that he was entered as a Roman Catholic; I said, "I will go and see him, for I have nobody to care much about me," and the most powerful officer was about to go with me, but I said, "No, I will go and see him alone." I went in, and found that he was just going to strike me with the leg of the table. I said, "Oh, ———, you are not going to kill me, are you?" And he said, "No, your Reverence, I would not hurt you," and then he told me the ground of his complaint. I tried to persuade him, and he said, "Do not say anything to me to-day, but come to me in a couple of days." I believe that my visiting him, and instruction, were the means of working a complete change in that prisoner, for his conduct in the Millbank and other prisons, where he has been confined subsequently, has been most satisfactory.

4058. If you had happened to be of another religion, so that he had not confidence in you, do you think you would have had any influence with him?—I think that the man had heard of my character in dealing with the prisoners, and it disarmed him at once.

4059. With reference to the reformation of prisoners, do you find that the ministrations of clergymen, or your ministrations in the prison, have had a beneficial effect upon individuals?—You must bear in mind that the Liverpool prison is a very exceptional prison, as there are a great number of short sentences, and, under the recent Prisons Act, I cannot have the prisoners with me as formerly, as they are not allowed to attend daily prayers until they have been in the prison between two and three months, and the females until they have been in the prison 14 days; that is under the operation of a local regulation.

4060. Do you think that that is a good system?—The visiting justices, when they adopted the treadmill, thought that it would be a punishment to the prisoners to deprive them of prayers, and, of course, I was obliged to accede to that; but I think that there is a large class of prisoners who come to the prison for the first time, and have never come in contact at all with their religion; and my past experience is such, that I have often had men going down upon their knees and thanking me, and saying that I should never see their faces again in gaol; that they had learnt their religion for the first time within the walls of the prison.

4061. If the prisoners are not allowed to attend before the first three months are unexpired, will you just tell the Committee what they are deprived of during that time?—First of all, they have a guard bed; they have hard labour during six weeks; they must work themselves up by good marks into letter B.

4062. Are you not allowed to see them?—I have perfect access to them, and do see them.

4063. Are you able to speak to them in common?—I am allowed to see them twice upon the Sunday, and I can call them from the wheel if I wish; but my principle is not in any way to interfere with the prison discipline, for if I took a man off the wheel who was there for seven or 14 days, he would be constantly asking to see the priest.

4064. The prisoners are allowed to attend the services on Sunday mornings and afternoons, but they are not allowed to attend daily prayers during the first three months?—That is so. Male adult prisoners, sentenced to hard labour, do not attend until they reach the B class, and females at the expiration of 14 days.

4065. Do you think, without making any complaint against the justices, that that is a wise regulation?—For the instruction of the large ignorant class that we have to deal with I do not think it is, but there are other difficulties in the question. It was known that people who came up for seven days were constantly communicating by means of the chapel, and carrying messages from the outside, and it was thought that it would be better for the discipline of the prison that they should not attend prayers.

4066. At any rate they do attend the service on Sundays, do they not?—Yes.

4067. My question will now apply to those who have been some time in the prison; do you know instances in which the teaching of those people by you has led to beneficial results and individual improvement?—To a very large extent.

4068. Do you see the prisoners outside occasionally, after their release?—For the first three years that I was appointed to the prison I had an office and a paid clerk, and I attended every day, with the exception of Sunday, purposely to see discharged prisoners, and to try and deal with their children. I found that it was more than my resources would bear, as I had to find the means myself, to a great extent, so that I was obliged to give it up; but at the present moment it is known amongst the prisoners where they can see me in town every day, and I have them constantly coming to me upon their discharge; and I believe that I have assisted a very large number to do right.

4069. That is scarcely an answer to my question; do you know, of your own knowledge, many instances in which prisoners have been so improved that they have got on afterwards in life?—Yes.

4070. And that you believe to be the result of the spiritual teaching that they have received in the prison?—It is certainly on account of the instruction, and the assistance that they have received on their discharge. I have known, for example, when I have sent a man out of the country, that he has done well, and he has come back and brought his mother and sister.

4071. I am referring to Liverpool, and not to persons you send out of the country; have you found many instances of persons being really reformed?—In the course of my time, I may say I know a large number who are doing well in Liverpool.

4072. A fair proportion?—Yes.

4073. Do you imagine that those people would have been reformed if you had not the same facilities for giving them instruction as you have at the present moment?—I do not think that with the Irish character anything but the ministration of a priest would have had that effect upon them

4074. Wha

4074. What salary do you receive?—I received 300*l.* a year. Two years ago the visiting justices, without my asking for it (at least it was the suggestion of the governor) proposed that I should have a house rent free, with coals and gas; he said he did not see, as I had the heaviest portion of the work in the gaol to do, why I should be in a different position from himself and the chaplain, and the visiting justices very kindly gave me a house rent free, so that I am on the same footing as the Protestant chaplain.

4075. You did not ask for that?—I did not ask for it.

7076. It was a voluntary act of kindness on their part?—I had no idea of such a thing until a day or so before it was given.

4077. The prisoners are generally in your prison on short sentences, are they not?—A proportion of the prisoners are very short sentences. Last year 81 per cent. were for a month and under.

4078. Then the crimes must be generally of a light character, and not serious?—They are generally those crimes arising out of drunkenness, because the crime thermometer rises and falls just with labour; if labour is abundant, you find the gaols fill very quickly.

4079. There is more drink about?—Yes; in winter there is less crime than in summer; for in summer, as the people live in very low places, they sit out upon the door-steps and go about the streets; the open air is more comfortable than their homes, and they are much more subject to fall into crime on that account.

4080. Do you consider that drunkenness is the main cause of falling into crime?—I can say that almost nine out of every ten come into the gaol through drink, either directly or indirectly.

4081. Sir *John Pakington.*] Where is your house?—It is in connection with the gaol; it was one of the warder's cottages, and the visiting justices enlarged it.

4082. In fact, you reside in the gaol?—Previous to this I could get no house near the gaol. I lived four miles from the gaol, and I think for three years I had every morning to make my way to the gaol; and now I have a cottage close to the walls.

4083. At that time did you make a daily visit to the gaol?—Yes, every morning.

4084. But I presume you had not the same facilities that you have now?—From the first day I entered the gaol I had the same facilities as I have to-day.

4085. You used the expression, "Since we have had separate services;" you meant by that separate as between Protestant and Catholic?—Yes.

4086. When did that commence?—It commenced with my appointment from the 1st of January 1864, from that morning there have been separate services.

4087. But you had a Roman Catholic predecessor, had you not?—Yes, but he was not allowed to perform the services or read public prayers.

4088. What was the system then with regard to the spiritual instruction of Roman Catholic prisoners, as compared with the Protestant prisoners?—The Protestant clergyman assembled all the Protestants in the chapel, as he assembles them at present, and the Catholic priest could only see individuals.

4089. Do you mean that at that time the Roman Catholic prisoners were obliged to attend the Protestant worship?—They were not obliged, but as it is the solitary system which exists in the Borough gaol of Liverpool, a very large proportion of them in self defence attended it.

4090. In order to escape from their confinement?—Yes.

4091. I understand you now that the Roman Catholic and the Protestant services are both held separately, but both are permitted to make use of the same chapel?—Yes.

4092. What are the daily arrangements to facilitate the joint use of the chapel?—The same staff; the staff has not been increased in order to carry out the system; at first the warders complained to the then governor, saying "We shall have extra duty," the governor replied, "You may have different duty but you will not have extra time, and therefore it is immaterial whether you spend your time in the chapel or whether you spend your time in the wards of the gaol." The same officers have, for the most part, to attend the four services.

4093. What are the arrangements on a week-day?—On the week day the Protestant chapel service begins at nine o'clock, and mine begins at ten minutes to ten.

4094. The Roman Catholic prisoners in your gaol are the more numerous of the two, I suppose?—They are the more numerous of the two.

4095. During the time when the Protestant prisoners are in chapel, are the Roman Catholic prisoners at work?—They are at work.

4096. And, *vice versâ*, when the Roman Catholics go to chapel, the Protestant prisoners are at work?—That is so.

4097. Is there any practical difference found in that arrangement?—No practical difficulty so far, for supposing a man has to pick 5 lbs. of oakum, it is not that he must be always picking, but that he must do that amount of work in a given time.

4098. There has been no practical difficulty, you say?—There has been no practical difficulty so far.

4099. I presume from your residing in the gaol, and the number of Roman Catholic prisoners being so large, the whole of your professional services are devoted to the prison?—I devote the whole of my time to the prison. I consider that I have no other duty to perform but that. I do other things, but it is all indirectly connected with the prison; for instance, I have established one or two reformatories, and a large industrial school.

4100. You have no other professional appointment?—No; and the whole of my time is given to the prison.

4101. You spoke of a man who had been in prison 12 times, and if I understand you rightly, he had 12 times called himself a Protestant, and the 13th time he called himself a Roman Catholic?—He did so; the first time he came into the prison after a priest had been appointed.

4102-3. What do you think he was?—His parents were Roman Catholics, but he, like a large proportion of the people that I have to deal with, had never practised any religion, but a Catholic instinct forced him to avow himself a Catholic.

4104. He avowed it?—He avowed it, and went away from the prison a Catholic.

4105. If I understand you rightly, a regula-

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tion special to Liverpool under their local Act was made, under which prisoners, as I understand you to say, were not allowed to attend prayers for three months after they had entered the gaol?—Until they had entered the class B., you can only work yourself into that class a few days short of three months; the female prisoners are not allowed out of their cells until they have been 14 days in the prison.

4106. As regards the male prisoners, that regulation, as I understand, does not apply to Sunday?—It does not.

4107. From the first the prisoner is allowed to attend Divine service on the Sunday, whether he be Catholic or Protestant?—From the very beginning.

4108. On weeks days, if I understand you rightly, under this local Act they are not allowed to attend Divine worship for the first three months?—That is so.

4109. What is your opinion, from your experience, of the effect of that restriction upon the character of Roman Catholic prisoners?—I consider that I did more good in that prison during the time that I gave daily instruction. Every morning I used to read prayers for about seven minutes, and talked to them about seven or eight minutes more upon some practical subject, and I believe that I did more good through that morning instruction than anything else; in fact, the prisoners acknowledged that they received more religious instruction during the time they were in the prison than they had ever done in their lives.

4110. You do not mean that you were daily able to give that time to each Roman Catholic male prisoner?—When we had the prisoners all together, of course, I could instruct them collectively, but it is impossible to visit them all individually; last year, in the borough prison, there were 10,530 prisoners altogether, and of those over 6,000 were Catholics.

4111. Is it the case that you do not disapprove of this restriction with regard to the three months, and that you have endeavoured to compensate the prisoners for the want of daily Divine worship during those three months by individual instruction?—That is not so.

4112. Then, will you be so good as to explain to the Committee what is the system that you intended to describe when you spoke of giving so many minutes to each Roman Catholic prisoner?—I did not intend to convey at all that I saw the prisoners individually for seven minutes since the new regulations have come into force.

4113. Will you explain to the Committee how, in the discharge of your duties as the Roman Catholic chaplain, you treat those men during the three months that they are not allowed to go to Divine worship on the week days?—There is scarcely anything done in compensation for the daily prayers that the prisoners have been deprived of; being deprived of the daily prayers is looked upon by the visiting justices more or less as a punishment, and necessary for carrying out the hard labour system; they considered that it was a luxury for them to attend daily prayers, and they have been deprived of that since the Prisons Act came into operation.

4114. Then, let me ask you what is your opinion, as a minister, with reference to the wisdom and propriety of that restriction?—I now personally disapprove of it, but the chairman of the visiting justices, asked the Protestant chaplain and myself that it should be tried, and the scheme was approved of by the Home Office; I think the Liverpool Borough Gaol is an exceptional case in that respect, and that it is not generally the case that the prisoners do not attend daily prayers.

4115. I believe I was right in my inference, from what you said, that that regulation applies to all religions?—Yes, to all creeds.

4116. You were asked by the honourable Chairman as to how far you had known cases of reformation in criminals after leaving the prison; is there in Liverpool any prisoners' relief society in action, with the view of taking care of the prisoners after they have finished their punishment?—According to the last Prisons Act there is a clause which empowers the visiting justices to grant a sum not exceeding 2 *l.* to any prisoner upon his discharge, and the magistrates in connection with the Borough Gaol have a private fund as well; the visiting justices attend every Friday, and if the chaplain or myself recommends any case they are prepared to listen to it, and, generally speaking, in fact, with very few exceptions, they grant whatever we recommend.

4117. In fact you have two sources of relief for them, one under an Act of Parliament, and the other derived from private funds?—Just so.

4118. And do you consider that the effect of the Act has been beneficial to the prisoner?—As regards the Borough Gaol of Liverpool, it has been very satisfactory.

4119. I presume that the efforts are directed in a great measure to providing honest employment?—To providing honest employment, and assisting some to leave the country, and to give others temporary assistance.

4120. I presume you have found those efforts to be of great assistance to your duties as a minister?—That section has been most useful to us.

4121. Mr. *Synan.*] Your experience is very great upon this subject, I suppose?—As a Catholic priest I have had considerable experience.

4122. How long a time does it range over, as far as Liverpool is concerned?—I have been in Liverpool, I think, at least 22 years.

4123. How long have you been, either voluntarily or since this late change of the law in 1864, in connection with the prison system at Liverpool?—I have been connected with the criminal classes. I may say, during the whole of my time in Liverpool, because I had, unfortunately, at one time, as a priest, the very worst and most degraded district in Liverpool, which then brought me into contact with the criminal classes, and I have been connected with movements for their amelioration during the whole of the time I have been in Liverpool, but I was never directly connected with the prison until 1864.

4124. Who was your predecessor?—My predecessor was the Rev. Henry Gibson.

4125. When your connection with the prison commenced it commenced at a salary of 300 *l.* a year?—It did.

4126. And you were placed substantially upon an equality with the Protestant chaplain?—I think there is no difference in our position in the gaol.

4127. You do not, I suppose, consider it any ground of inequality that the Protestant chaplain for

for 323 prisoners gets a salary of 400 *l.* a year, and that you for 570 catholic prisoners get a salary of 300 *l.* a year?—I do not complain of it, as it was the Protestant chaplain who suggested that I should have 300 *l.* a year, and that I should begin as he began, and that my salary should gradually increase as his had increased; and I thought that a very fair and satisfactory arrangement.

4128. From what you know indirectly of the state of the prison, and the effect of the religious and moral instruction before 1864, under the old system, and of the effect of your status since 1864, do you consider that that alteration by the prison authorities of 1864 has been beneficial morally and religiously?—I think it has been a very great advantage, indeed, to the discipline of the gaol, and the moral condition of the prisoners.

4129. You have expressed your disapprobation of this special regulation with reference to depriving prisoners of daily prayers; how long has that system been tried?—I think it has been in existence over two years; but I am not quite prepared to be exact.

4130. I think you have given as a reason for its introduction, that prisoners newly introduced into the prison made use of telegraphic communication with previous prisoners in the chapel; was that so?—That was one reason; but it was thought that it would be more punitive if they were deprived of prayers.

4131. It was not as a complete means for the prevention of that telegraphic communication by signs that it was introduced?—It was not for that special purpose, because it is next to an impossibility to check the telegraphic system in the place. I look upon it as an impossibility in any prison to check communication.

4132. And, therefore, it being an impossibility to check communication, you would not think that the restriction would be justified upon that ground?—No, I do not.

4133. You stated to the Committee that the Protestant chaplain, before the regulations of 1864, assembled all the prisoners together to instruct them?—All the prisoners attended the chapel except those who positively refused, and a great number of Catholics did refuse, and they found it a very severe punishment, being condemned to be locked up in their cells from Saturday evening till Monday morning.

4134. Did he assemble them for instruction independently of the Protestant service in the chapel?—No, we have no collective instruction in the borough prison except in the chapel.

4135. I suppose this remaining in the cell is looked upon as a species of punishment?—Certainly; it is looked upon as the most painful form of punishment.

4136. In fact, I suppose only a degree less than the treadmill; I presume that would be the way in which the prisoners regard it?—I think that the solitary confinement is worse than the treadmill, because no matter how hard the labour is, as long as it is in association it is not so severe as being confined entirely in the cell without ever going out of it for 14 days or a month.

4137. Then it is true that prisoners do regard solitary confinement as a punishment, at least as severe as the treadmill?—Yes, even worse than the treadmill.

4138. Consequently if Catholic prisoners are confined in solitary cells while others are allowed to go to the Protestant service (I am not talking of your own prison), it would in fact not only be an injury, but a direct inducement to them to go to the Protestant chapel, would it not?—Yes, I think so.

4139. And if there was no Catholic service in the prison, it would be a greater inducement for the Roman Catholic prisoner to go to the Protestant chapel, would it not?—Certainly, in order to break the tedium of his confinement.

4140. What is the species of work which the Catholics are doing while the Protestants are at Divine service?—It just depends upon the classes in which they are; the kind of hard labour that we have is picking oakum, the treadmill, matmaking, ropemaking. Of course there is no distinction as regards the form of labour, no matter what their creed may be.

4141. The labour is in the cell, I presume?—No; a great proportion of the labour is on the treadmill.

4142. But the other labour is in the cell, is it not?—Yes.

4143. And the fact of the prisoners being at work, either associated on the treadmill, or privately in their cells picking oakum, does not render it at all impossible or more expensive to give a Divine service to each of the classes, both Protestant and Catholic, at different hours upon each day or upon Sundays?—No, the same officers do the duty; there has been no increase in the number of officers in the Liverpool Borough Prison, where there are the largest number of Catholic prisoners in England, on account of the two extra services.

4144. And no increase of the duties of those officers, only a change of their duties?—That is so, only a change of their duties; the hours are exactly the same.

4145. Is there a creed register kept in this prison?—There has been a creed register kept in the borough prison since 1858.

4146. There is no complaint upon that ground I believe?—I have nothing to complain of as regards the register; I have the same access to it, and it is kept in the same form for me as it is for the Protestant minister.

4147. You stated that the prisoners are of a very poor class, and a very uneducated class generally?—Yes, unfortunately, my prisoners are the most ignorant and uneducated portion of our body; they are people who are dependent upon accidental labour, and people who have been for a long time removed from religious influences.

4148. And the Irish population from which those prisoners come are what you have described as the dregs of the Irish population, who have been driven by peculiar circumstances from their own country?—They are people who had no means to emigrate to America, and therefore they must have been from the lowest strata, and just the kind of people who are only fitted for the ruder form of labour.

4149. I have only one more question to ask you: from your long experience among that Irish population of that uneducated class, do you think that the elevation of your status and the change of the law of 1864 has acted beneficially both morally and religiously upon them?—In my own opinion there can be no question at all about it as regards what has been done during the time.

4150. Sir *John Trelawny.*] How was the cost defrayed for the necessaries of Divine worship?—When I was appointed to the gaol it was neces-

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sary to make some alterations, as the same chapel is used for the two services. As a matter of fact, there has been the kindest relationship existing between myself and the chaplain, and we were asked to talk the matter over, and certain arrangements were made by which the expenses were paid from the same sources as my salary is, namely, from the corporation funds.

4151. My question relates to the necessaries for Divine worship?—Yes, I made an application for the necessary appliances for the due performance of the Roman Catholic worship; I stated the sum that I wanted, and that sum was given.

4152. What was the sum you applied for?—I asked for 60 *l.*

4153. Do you think that that would be a fair average sum for that purpose?—It would take more than that, but that I happened to be in an exceptional case; I had a number of things of my own which I had no difficulty in applying to the use of the gaol, but I think it would require, whenever the service was carried out fully, a sum of 100 *l.*

4154. Mr. *Talbot.*] I think I understand you to say that you have no complaint whatever to make against the authorities?—None whatever.

4155. If I recollect rightly, that arrangement which has been called extraordinary with regard to the prisoners not being allowed to attend daily prayers, applies to all classes of prisoners?—Exactly.

4156. Mr. *Fowler.*] You consider yourself an officer of the corporation, I presume; were you appointed by the corporation?—No, I was appointed by the borough magistrates, but my salary has to be found by the corporation; there was some little difficulty about that as the borough magistrates recommended 300 *l.* a year for my salary, and some of the corporation objected to that as being too much, and it was proposed that my salary should begin at 250 *l.* The question was referred then to counsel in London, but in the end it was settled unanimously by the corporation that my salary should be 300 *l.* a year.

4157. While being an officer of the corporation, you are appointed by the borough magistrates and not by the corporation?—That is so.

4158. I think I understood you to say that the Protestant clergyman agreed with you in deprecating that arrangement with reference to excluding the prisoners from the daily services?—We were asked by the justices not to make any objection to that arrangement, but to give it a trial; the visiting justices settle the rules of the prison, we have only to carry them out; if those rules are approved of by the Home Office, we must abide by them.

4159. It is a regulation introduced by the visiting justices and approved of by the Home Office, but which the Protestant chaplain and yourself would both prefer to be different?—We both of us would prefer it altered, but we felt that there would be a great difficulty in the way of working the treadmill, looking at the number of prisoners that would be required to attend the chapel; and I think it was partly for the facility of working the treadmill that the visiting justices introduced that regulation.

4160. Mr. *Knatchbull-Hugessen.*] What was the date of that regulation?—It has been in operation, I think, two or three years.

Thursday, 12th May 1870.

MEMBERS PRESENT:

Mr. Dalrymple.
Mr. Dimsdale.
Viscount Enfield.
Mr. Robert Fowler.
Mr. Arthur Guest.
Mr. Knatchbull-Hugessen.
Lord Henley.
Mr. Maguire.
Mr. Matthews.
Sir John Pakington.
Lord Pelham.
Mr. John Talbot.
Sir John Trelawney.

JOHN FRANCIS MAGUIRE, Esq., IN THE CHAIR.

Mr. SAMUEL GREG RATHBONE, called in; and Examined.

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4161. *Chairman.*] You reside in Liverpool, do you not?—I do.

4162. Are you Chairman of the Visiting Justices of Liverpool?—I have been so for five years, and am so still.

4163. Had you previously been connected with that body?—Yes; I have been a visiting justice for about 10 years to the borough prison.

4164. Was it with your sanction that the Catholic clergyman was appointed as one of the officers of the prison?—It was an appointment made, at a meeting of the whole bench, by a majority of the magistrates; I voted for it, certainly.

4165. Have you experienced anything since then which has caused you to regret that appointment?—Nothing; it has worked perfectly smoothly. The circumstances of the prison are such, that it is possible to define the respective duties of the Protestant and the Catholic chaplains with an amount of precision, which it would be almost impossible to do in any other institution than a prison; and, therefore, they can be defined with so much precision as to leave no pretext whatever for the two chaplains interfering with each other's duties, and to that cause I attribute the perfectly smooth working of our arrangements. We have had no instance of any difference between the chaplains since I have been in the prison.

4166. You do not mean to confine your observations to one prison; but you mean that in all prisons it is easy to define the duties of the respective chaplains?—Yes, in all prisons. I think it must be the fault of the visiting justices if difficulties arise, as in every prison where you have separate confinement it is so very easy to define their respective duties precisely, that no difficulty need arise.

4167. As a matter of fact, in the borough gaol of Liverpool, there has been no clashing whatever?—None whatever; the two chaplains are upon the most friendly terms, and always have been so.

4168. Will you tell the Committee what is the effect produced upon the prisoners by the appointment of a Catholic clergyman, as a recognised officer of the institution?—I think it is very favourable to the discipline of the prison in the first place.

4169. Could you say how far the discipline is affected by the ministrations and services of the Catholic priest?—I think that his appointment has had a favourable effect upon the prison, and especially upon the female side of it. In the cases of a great many of the women, their constitutions have been very much shaken by prolonged debauchery, and their nervous system is in a very excitable state, and therefore they are very much more troublesome to manage than the men, and very often in cases when neither the dread of punishment, nor any other arguments have been available, Mr. Nugent's influence has been found to be highly valuable.

4170. And his influence has been useful to the maintenance of discipline and order within the prison?—Certainly; he has always assisted us in every way in maintaining good order in the prison.

4171. Does the knowledge of the fact of his being a recognised confidential officer, as I may say, of the prison, produce any effect upon the prisoners?—As I have already stated, it produces a great effect upon a large per-centage of the prisoners who are under his charge, but I do not suppose that it produces any effect upon the Protestant prisoners.

4172. My observations are confined entirely to those of his own persuasion?—I think he exercises a decidedly favourable influence over the prisoners while they are in prison; and I think, what is infinitely of more importance, his influence survives very often after they have left the prison.

4173. Will you state to the Committee the reasons which justify you in forming that opinion?—I think that a great many of our prisoners from this large town of Liverpool have never been brought under any religious influences before they have been put into the prison, but that they have been entirely neglected, and the Catholic chaplain exercises a good deal of influence over them. He has also been very useful to us in aiding such prisoners on their discharge as are inclined to turn over a new leaf. If you are to do anything for prisoners upon their discharge, it is essential that you should have a report from somebody who is thoroughly in their confidence as to their disposition and intentions. Mr. Nugent has shown a good deal of tact in that

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that capacity; he has a great perception of character, he does not recommend hypocrites to us, and he has been of great assistance to us, as I stated, in enabling us to assist the prisoners who wished to turn over a new leaf when they left the prison.

4174. From the experience which you have had of the operation of the system, would you be inclined to go back upon the old system, when the Catholic clergyman was merely permitted to visit the prison upon sufferance?—No, I decidedly approve of the present system; but I should also say that our prison is three miles from the town, and therefore any visiting under the old system must necessarily have been very irregular.

4175. Do you think it leads to the reformation of a prisoner to have religious instruction given by a person in whom the prisoner has confidence?—I think it does, and as I said before, however anxious the Protestant chaplain may be to do his duty, you can hardly reasonably expect that the Roman Catholic prisoners will communicate with him as to their future intentions on leaving the prison, in the same way as they will do to a minister of their own persuasion.

4176. Is it likely, from your knowledge of the prisoners in the borough gaol, that they would give their confidence to a clergyman not of their own persuasion?—I think that a large portion of them would not. A great many of them are Irish, and therefore they come in with a certain amount of distrust for the exhortations of the Protestant chaplain, and that would be a decided difficulty. I do not mean to say that it could not be overcome, but it would put him at a disadvantage as compared with the Roman Catholic minister.

4177. Do you think that it is consistent with reason and prudence to avail yourselves of the services of the clergymen who would have most influence over their minds and hearts?—Yes, certainly.

4178. And that they would have the best chance of reformation from his influence and instruction?—I think so, certainly.

4179. Mr. *Synan.*] You spoke of prisoners who, on account of being Irish, would not avail themselves so readily of the teaching of a Protestant clergyman; would the Protestant prisoners in your gaol avail themselves readily of the teaching of the Roman Catholic chaplain?—I did not say that they would not avail themselves of it in any instance; I merely said that there would be a certain amount of distrust of the Protestant minister.

4180. Would there not be the same amount of distrust upon the part of the Protestant prisoners as regards receiving the ministrations of a Catholic priest?—Certainly; especially in the case of the Irish I think the feeling of hostility between those of the Protestant and Roman Catholic religion is greater among the Irish than English.

4181. You stated something to the effect that the women, being more nervous, are more susceptible of religious impressions than the men, but, generally speaking, do you consider that the prisoners in your prison are susceptible of religious impression?—A large per-centage of them are; and women are naturally more susceptible of external religious impressions than men. Certainly, the women, as a rule, are susceptible to religious impressions, and a great per-centage also of the men; but it would be difficult to define the per-centage.

4182. And does the reception of such impressions tend to the discipline of the prison?—Certainly.

4183. And your experience is that after they leave the prison, those impressions have an effect upon them?—Yes; as regards a small per-centage, of course, because they are then exposed to fresh temptation.

4184. And that impression would be naturally increased by a knowledge of the status of the religious teacher who made the impression?—I think that a religious teacher who belongs to the same religion as the prisoner, has a decided advantage as compared to any other teacher.

4185. I am speaking of the status of the minister; suppose, *cæteris paribus*, two religious teachers of the same religious denomination to be in the same prison, and suppose that one had a status in the prison which the other had not, would the impressions conveyed to the prisoners by the gentleman who had a status in the prison be more effective than those conveyed by the one who had not; I am supposing that one was a permanent officer, and the other an occasional one?—I have no experience which enables me to answer that question; a great deal depends, I think, upon the personal character of the clergyman.

4186. I am supposing their characters to be the same; had you any knowledge of your prison before the change in 1864?—A very slight one; I was a very occasional visitor.

4187. But from that knowledge, slight or otherwise, that you had, do you think that the change in 1864 operated beneficially?—Decidedly I do.

4188. Lord *Henley.*] This is the gaol of which the Rev. Mr. Nugent was the Roman Catholic chaplain, is not that so?—Yes, and he is so still.

4189. I think he told the Committee that there were a great number of Roman Catholic prisoners in the gaol?—The number of Catholic prisoners varies from 60 to 70 per cent. of the total commitments; it is about 64 per cent. as nearly as possible.

4190. The visiting justices are a committee of the body who have the management of the gaol?—They are.

4191. What is the nature of that body; is it quarter sessions, or town council, or what?—It is the gaol sessions, consisting of the whole bench for the borough, who appoint the visiting justices, who are 12 in number.

4192. Have you ever been a visiting justice of any other gaol?—No.

4193. You have never had experience of any gaol where the number of Roman Catholic prisoners was very few?—I know nothing of any prison but our own, except from very occasional visits.

4194. Are there any Catholic magistrates in the governing body of the gaol?—Yes, I think there are four or five Catholic magistrates, of whom one is a visiting justice.

4195. You stated, as I understood, that there was some opposition to the appointment of a Roman Catholic chaplain; was that opposition amongst the visiting justices or amongst the quarter session magistrates?—I am not aware that I said there was any opposition to it; if I remember rightly what took place before the magistrates

magistrates, there were one or two magistrates who made a slight opposition.

4196. Do you think it was carried without an actual division?—I do not think that there was any opposition which carried it to a division.

4197. What opposition there was, was not in the committee of visiting justices, but in the main body of the quarter sessions, is that so?—It never was referred to the visiting justices; it was the decision of the whole bench.

4198. Was the appointment made by the whole bench?—Yes.

4199. Mr. Nugent was elected by the whole bench of magistrates?—Yes.

4200. Was there any opposition to him, or was he elected unanimously; do you recollect whether there was any competing candidate for the appointment?—If I recollect rightly there was only one application, but it is many years ago.

4201. He applied probably as having been recommended to the post by some authority in his diocese superior to himself?—My impression was that the authorities of the Roman Catholic Church arranged who should apply, and that there was only one applicant.

4202. There was no competition between various candidates?—There was no competition between various candidates. He was the only applicant, and, I believe, the Catholic authorities took considerable trouble, as they naturally would do, to secure a man who would limit his action to the proper sphere of his own duties.

4203. And he has carried out those duties with very great success?—With very great tact, and with very great zeal, and great judgment.

4204. The payment of the chaplain comes out of the borough rate, does it not?—It comes out of the same funds as the rest of the prison expenses.

4205. Does it come out of the public rate upon the town of Liverpool?—That is what it practically amounts to; it is never called a borough rate, as we have a large property in Liverpool from which funds are derived, but it comes practically from that.

4206. Are part of the expenses of the prison paid out of property belonging to the corporation?—The rating of Liverpool is such a complicated question, that I should not like to speak about it, but practically it is a burden upon the public rates.

4207. Mr. *Guest.*] Do you not think that there would be a difficulty in laying down a rule by which the Roman Catholic priest should be paid for his services in the prison as a permanent officer?—His salary is governed by the same rules which govern the salary of every other officer in the prison.

4208. In your own case, you have at Liverpool a majority of Catholics as prisoners, but I mean generally throughout the country, in prisons where there are only a few Catholics; do you not think that there would be a great difficulty in laying down any defined rule?—I have never thought about that subject, and should not like to speak about it. I can only speak from my own experience of my own town.

4209. *Chairman.*] Supposing there had happened to be 600 Protestants in that gaol, and only 300 Catholics, would you recommend paying the Catholic priest, and giving him authority as an officer of the prison?—I think I should after our experience in Liverpool.

4210. After the long experience you have had of the good working of the present system?—Yes.

4211. The same reasons that would govern you in approving of the present system would also influence you in approving of it in a modified form as to numbers?—Certainly; I think that the influence of a Roman Catholic chaplain in a prison will be in proportion to the number of Roman Catholic prisoners in that prison.

4212. Even if there were only a hundred Roman Catholic prisoners in the prison, would you still be of opinion that the Roman Catholics should have the benefit of the services of a Roman Catholic priest, or would you leave those hundred unprovided for, or would you think it fair that they should be taught, by or be under the influence of, a Protestant clergyman?—I am not prepared to express an opinion on the question of degree, because you might reduce it still more; you could not allow the prisoners of every denomination to have a permanent paid chaplain to attend upon them; the exact number at which you should stop is a thing which I am not able to give an opinion upon.

4213. Have you ever found that the Dissenters refuse the visits, or the services, or the worship of a clergyman of the Established Church?—It hardly ever occurs; I have hardly ever known such a case.

4214. I suppose you are aware that Catholics have even more than a conscientious objection to attend the Protestant worship?—I believe that is so.

4215. And, therefore, there is that marked difference between Dissenters, who do not refuse to go to Protestant worship, and Catholics who cannot conscientiously do so?—Certainly; but I understood your question to be as regards the appointment of a permanent officer, as compared with the occasional visits of a Catholic chaplain.

4216. With reference to status, which an honourable Member asked you a question about, is there not a difference between merely permitting a Catholic clergyman to attend, and recognising him as an officer of the prison who is paid for his services?—Do you mean in the relative amount of religious influence that he would exercise?

4217. I mean personal influence over his own flock, if I might call them such; does not it add to his authority that he should be recognised as an officer of the prison?—That is a very difficult question to answer.

4218. Supposing a clergyman is merely permitted under very serious restrictions to visit the prisoners, and to see them, I may say either singly or for not more than one hour in the day; is there not a very great difference between his influence under such circumstances, and his influence under the circumstances in which the Rev. Mr. Nugent is placed now?—I think that if his visits were "permitted," the fact that he was gratuitously taking a great deal of trouble to visit those prisoners would have an effect upon them quite as great as if he visited them in the position of a paid officer.

4219. Would it give him the same position in the prison in reference to the warders and other officers comprising more restricted permission on the one hand, with recognised position on the other?—I do not think that he would be so useful, simply because he would not be so often there; but that would entirely depend upon the rules to which his entrance was subject. I do not

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not think that an occasional visitor could be so often in the prison and discharge the duties so satisfactorily as Mr. Nugent discharges them.

4220. You find no inconvenience whatever, but on the contrary, good resulting from Mr. Nugent being appointed an officer of the prison, and having his own distinct sphere?—We have found no inconvenience. Mr. Nugent's appointment has been, I should say, an unmixed good to the Catholic prisoners, and a very great good.

4221. Mr. *Matthews.*] You spoke of some Dissenters having objected to the ministrations of the clergymen of the Established Church; could you say to what body of Dissenters those persons belonged?—I could not say offhand, as the occurrence has been extremely rare. The prisoners, as a rule, are very anxious to go to prayer, as it is a great change from their solitary confinement, and of course they are very reluctant to allow their religious scruples to interfere with their attendance at prayers. They generally put them on one side if they have any.

4222. Did I rightly understand you to state that you could not remember any particular instance of that objection having been made by any Protestant dissenter?—I know that there have been such cases, but I could not give you the particulars offhand.

4223. Your knowledge does not enable you to say that that scruple exists in any particular sect?—One or two of the Jews have objected to working on Saturday; but that was an objection to working more than to attending prayers; but it has been exceedingly rare that any Dissenter has objected, or even made any difficulty whatever about attending the prayers of the Church of England.

4224. You would be of opinion that it is no part of the punishment of a prisoner that he should be deprived of the consolations of his own religion?—I think it is an improper way of punishing him, and an injudicious way in the interests of the State.

4225. So far as it is practicable, therefore, and consistent with the interest of the ratepayers, you would think it right that the State which confines them should provide those religious influences for them?—I think it is only right that the State should exercise a religious influence over them.

4226. Mr. *Synan.*] We have it before us in evidence from Mr. Nugent, that there is a rule of your prison which deprives female prisoners of daily prayers for a fortnight after their entrance, and male prisoners for three months; are you aware that that is the rule of your prison?—That is only on week days; and in the case of adult convicted prisoners sentenced to hard labour, I may state that the loss of time and disorder consequent on having a double daily service when all the prisoners attended daily prayers, was so great, that it was found inexpedient to allow all the prisoners to attend them. You have, according to the Prisons Act, to bring the prisoners into the chapel at such a distance from one another that they shall not be able to communicate with each other; and when you have 1,000 prisoners to deal with, the mere getting them in and out of chapel occupies such a time that it was found to interfere with the work of the prison; we therefore made a rule that they should earn the privilege of attending daily prayers by good conduct in the prison; and when they get up into the higher classes, they are then allowed to attend prayers daily. But all prisoners attend prayers on Sunday; and, generally speaking, also those under punishment in solitary confinement. I may add, that this arrangement was made with the sanction of both the Roman Catholic and the chaplain of the Established Church; and it has had a very good effect, in a religious point of view, as well as with regard to the discipline of the prison, because, instead of attendance at prayers being made a matter of routine, it is a privilege earned by good conduct.

4227. Am I to understand you to state that this good conduct is earned, not by prayers but by the absence of prayers?—I did not offer an opinion upon that point.

4228. Is not it the rule of the prison that good conduct for the first fortnight is to be earned by the females by not attending daily prayers for a fortnight on week days, and that good conduct is to be earned by the males by not attending the daily prayers for three months?—The rule is as I have stated it. The prisoner has to be in the gaol a certain time before he is allowed to attend daily prayers, and has to behave well during that period.

4229. He has to earn the reward of prayers by not praying for a certain time after he enters the prison; is not that so. You look upon it as a privilege, and he earns that privilege by not being allowed to attend daily prayers?—I should be most happy to send the rules of the prison up to the honourable Chairman, and then you would understand it more easily than my explanations would enable you to do.

4230. Do you think that that is a rule which ought to be persevered in?—I think that the taking of a large number of prisoners, the instant they are caught, to prayers, as a matter of daily routine, had a very bad religious influence upon the prisoners, and that the alteration of the rule has had a very good effect.

4231. You think the prisoners are better conducted since you have made this rule?—I think they are better conducted; and I think that they attend the prayers much more to their advantage when it is made a privilege instead of a routine.

4232. While giving that opinion, you decline to answer an abstract proposition (and I think very wisely) with reference to the effect of teaching by a clergyman with a status in the prison, as compared with that by one who gives his service voluntarily?—I do. I have had no experience to guide me in forming an opinion as to whether the influence of a Catholic minister would be greater as a paid officer of the prison, or as paying occasional visits.

4233. I will deal with it as a practical proposition; is a permanent paid officer with a status in a prison likely to devote more time to the religious and moral teaching of his people than one who is not in that position?—Certainly; because he has not other duties to distract him, or if he has they are much more limited.

4234. Naturally the impressions would follow the quantity of teaching, I suppose?—I am not prepared, as a magistrate, to answer such a question, as whether the impression following upon religious teaching is proportionate to the quantity given; it is an abstract question.

4235. Suppose the character of the moral teaching to be high, and suppose it to be permanent, would it produce, in your opinion, a greater effect than if it were low and if it were only

only desultory?—I do not think that desultory teaching is often of much effect, and in either case I have not come prepared to answer such a question as that. Long sermons have not an effect proportionate to their length upon me, and I suppose that they have not upon the prisoners.

4236. In reply to a question from the honourable Chairman, you said that you would not give any opinion as to the number of prisoners that would warrant the permanent appointment of a Catholic chaplain. Did you ever hear that in Ireland, even where there were no Protestant prisoners in the goal, the services of a Protestant chaplain are paid for?—I am not acquainted with the rules of prison discipline in Ireland.

4237. Sir *John Pakington.*] You act as a visiting justice for the Liverpool Borough Prison?—I am chairman of it.

4238. How long have you been chairman of the visiting justices?—Since 1864.

4239. The Committee received evidence with regard to that prison at their last sitting, and one portion of the evidence struck the Committee as being very remarkable, namely, that under the authority of a local regulation the prisoners, on their first coming into the gaol, are not allowed to attend Divine worship on week days, whatever class of Christians they may belong to, during the first three months of their confinement, and that the female prisoners are not allowed to attend for the first 14 days; do you confirm that statement?—Yes, I do.

4240. When was that local arrangement made?—This arrangement was made under the Prisons Act of 1865.

4241. Do you state to the Committee that, under the general Act of 1865, the prisoners are prevented from attending Divine worship during the first three months?—The Prison Act makes it compulsory upon the justices to allow all prisoners to attend Divine service on Sundays, unless there is some special ground to the contrary, but it leaves it to the discretion of the justices to say whether they shall attend the daily prayers, and according to the bye-laws which have been submitted to the prison inspectors, we do not allow all the prisoners to attend daily prayers; it is done under a bye-law.

4242. It is under a local regulation that the visiting justices restrict prisoners for the first three months of their confinement from attending Divine worship on week days?—We restrict, under our bye-laws, the male adult convicted prisoners sentenced to hard labour from attending daily prayers until they have earned the privilege by attaining a certain class. When they have attained that certain class they are allowed to attend daily prayers. That is a bye-law framed under the Prisons Act of 1865, which leaves that discretion to the justices.

4243. Then your bye-law is to the effect, not that the prisoners are restricted from attending the daily Divine worship for three months, but that they are restricted from attending it until they have worked themselves into a certain class, and I presume that the average time occupied in attaining that class would, for many prisoners, be about three months; would not that be so?—I have not brought the rules up, as I did not know that I was going to be examined until yesterday.

4244. The evidence that was given to us stated three months, and after your evidence that is the natural inference?—I think it is three months.

4245. How long ago did you make that bye-law?—It was passed in 1865 or 1866, I think.

4246. Then, in fact, you have had ample time to judge of the effect of the regulation; now, let me ask you what is your opinion of the good effect, or otherwise, of throwing an impediment in the way, and preventing prisoners from attending Divine worship?—I think that it has been decidedly favourable. In the first instance, if I may repeat what I stated before, the time occupied by taking so large a number of prisoners to and from prayers divided between two services would be so great that it would materially interfere with the hard labour of the prison, because, as you are aware, the prisoners must be brought in at such a distance from each other that they cannot communicate, and the marching the Catholics into service first of all, and then the marching of the Protestants in and out, would take up a very long time; but that was not the chief reason; it was this, when we found that prayers were made a mere matter of routine, and that if the prisoners just received into the prison were allowed to attend them, they were all staring at each other to see who the new comers were, and therefore it was a change made in the interests of religion as well as in the interests of discipline. In a prison like the borough prison the number of new prisoners sent in every day is very large, and, naturally, all the prisoners would be looking about to see if their friends were there, whereas now the prayers are much more effectual than they were before the change was made. My own impression is, that both Mr. Nugent and the Protestant chaplain would admit that the present system is favourable to the interests both of religion and discipline in the prison.

4247. The practical result of it, I apprehend, is, that during this early period of confinement, and, when the sentence is a short one, during the whole of that confinement, the prisoners are restrained from any prayers during the whole of the week?—They have the private ministrations of the chaplain in their own cells.

4248. Does the chaplain visit daily all those men who do not come to prayers?—Either he or the instructor visits them daily. I cannot say that the chaplains visit the whole of them; they visit a great many of them; but the intention in restraining them from going to public prayers is, that they should be attended to in their cells, where their attention is not distracted by all the new prisoners, who would otherwise take their attention away. We do not restrain them from prayers as a matter of fact.

4249. I presume in your answers to me you are speaking of convicted prisoners, not of those awaiting trial?—Certainly.

4250. Those convicted prisoners, I believe, are daily undergoing hard labour?—That is to say, if they are sentenced to hard labour.

4251. Are they taken away from hard labour at any given period of the day in order that the chaplain may see them?—The hard labour ceases in this way: in the case of prisoners sentenced to the treadmill, they work for a certain number of hours on the treadmill and a certain number of hours at industral work in their cells during all the term of their sentence, unless it exceeds three months, in which case, if well-behaved, they cease in time to do any work on the treadmill.

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4252. And then your chaplain would visit them?—He has an opportunity of visiting any prisoner in his cell, whether condemned to hard labour or not, at some period in the day.

4253. I understand that, from your experience, you think that bye-law works well, and you are not disposed to change it?—No; and I may mention that it was made under the distinct sanction of the law. Mr. Ewart was a member of the Committee which sat on the Prisons Bill of 1865, and it was he who introduced the distinction between attendance of the prisoners at daily prayers and at the Sunday services.

4254. Do you know any other prison in which a similar bye-law is in operation?—There are other prisons in which prisoners do not attend daily prayers, as I gathered from the Report of the Select Committee of the House of Lords, appointed in 1863, to consider prison discipline. I believe in Bristol all the prisoners did not attend daily prayers when that committee sat.

4255. Mr. *Talbot.*] I imagine your experience would be that a great proportion of those prisoners are persons who have never been in the habit of attending worship at all; persons of the lowest class of society?—A very large proportion of them, particularly the women; I should think that their religious education had been very much neglected.

4256. I suppose the view of the visiting justice would rather be that to take persons who have never been in the habit of attending religious worship at all, and then suddenly to compel them to attend daily is rather a strong change?—Yes.

4257. You think that it would be better to work upon them by degrees?—Yes, and that it is better to have a small number, so that the minister may specially address them instead of having so large a posse of the prisoners of all classes.

4258. Sir *John Pakington.*] Are prisoners committed for trial sent to the borough prison?—Yes, a large number of them; they are kept in Bridewell if they are only remanded for a day; but if they are awaiting trial for any length of time they come to the borough prison.

4259. With regard to prisoners who are in gaol awaiting their trial, do they attend daily worship?—Yes; if a prisoner is awaiting trial we endeavour to make the conditions of his imprisonment as easy as possible, as his guilt is not proved.

4260. They do attend daily service, do they not?—Yes, they do attend daily worship.

4261. Mr. *Matthews.*] Is the practical effect of this rule to keep away from the daily prayers on week days a certain per-centage of the prisoners at any time?—They do not attend when they first come.

4262. There is always a fresh crop of new prisoners coming in from day to day?—Yes.

4263. What per-centage of the prisoners in the gaol are shut out from daily prayers?—I could not answer that question offhand.

4264. There never arises a time when all the prisoners in your gaol attend daily prayers?—No, the whole of the prisoners never attend; it would be almost an impossibility for them to do so if you had a double service, a Protestant and a Catholic service.

4265. Can you tell me what number attend on the average at prayers on week days?—I can not tell that.

4266. On Sundays all prisoners attend, do they not?—Yes.

4267. What time is consumed in taking them to chapel and bringing them back?—I cannot tell you that; my impression is, that it is about an hour and a-half.

4268. If I do not misunderstand you, the effect of your evidence is, that it would be impracticable under any circumstances to let all the prisoners attend daily prayers on account of the time it would take?—It would be a very serious interference with the hard labour; it would in fact be converted into easy labour, by the reduction in the time devoted to labour.

4269. Quite independent of your argument of which I feel the force, with reference to the uselessness of the prayers to the prisoners who have just come in, you would feel desirous of adhering to that restriction on account of the discipline of the prison?—Yes; ours is a very large prison; and such a restriction as this applies to Liverpool more than to any other prison.

4270. The reason for my asking that question was, that I supposed there must come a time when all the prisoners would have worked themselves into the praying class; but is it the fact, that some of the prisoners in course of time do not come into the praying class?—No, that is not so; ultimately all of them are allowed to attend the prayers, and until then they are allowed the religious ministrations of the chaplain in their cells.

4271. Sir *John Pakington.*] That applies to the Protestant as well as to the Roman Catholic chaplain?—Yes.

4272. Mr. *Synan.*] An honourable Member asked you whether it might be convenient not to compel new comers to attend on account of their never having attended Divine worship, but do you make it permissive for those who wish to attend?—No; certainly not.

4273. There is a difference between compelling them to go, and permitting them to go?—Certainly; it is not permissive; they have no choice in the matter.

4274. Mr. *Guest.*] You stated to the Committee, that the influence of the Roman Catholic chaplain would be in proportion to the number of Roman Catholics in the prison; would you then think that the Roman Catholic priest should be paid in proportion to the number of Roman Catholic prisoners up to a certain point?—You could not pay him by head money in that way.

4275. Then, in a question of this kind, how would you propose to act with regard to paying the Roman Catholic priest, where there were only a few Roman Catholic prisoners in the gaol?—I have never considered the point; it does not come before us in Liverpool, as we have such a very large number of Roman Catholics.

4276. Sir *John Pakington.*] May I ask whether the bye-law you have described respecting the attendance at the daily services, is made under the authority of these words in the 46th section of the 28th & 29th Vict. c. 126, relating to religious instruction in prisons: "Criminal prisoners shall attend Divine service on Sundays, and on other days when such service is performed, unless prevented by illness or other reasonable cause to be allowed by the gaoler, or unless their attendance is dispensed with by the visiting justices"?—No; there is something else in the Act you will find about daily prayers which is worded differently. There is a distinction drawn in

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in the Act between daily prayers and Divine worship; they mean by Divine worship the whole services of the Church; and when they come to daily prayers, you will find that the language is different. I am pretty certain that it is intentional, because Mr. Ewart told me the conversation which passed in the Committee that sat upon the Prisons Act.

4277. I understand that, under a bye-law, the prisoners do not go to daily prayers? —Not all of them.

4278. The prisoners to whom we have referred?—The prisoners who have been recently admitted have to receive religious instruction in their cells instead of in the chapel; that is the only distinction.

4279. *Chairman.*] I wish to ask one question upon that point. If the chaplains disapproved of this restriction to which we now refer, would their opinion have weight with the justices if it were put before them. If they said, "This does not work well, and we recommend an alteration of it," would the justices be inclined to act upon that opinion?—They would consider the question, but they would not consider themselves bound, on the chaplain's opinion, to make any alteration which affected the discipline of the prison.

4280. The opinion would be received with respect by the visiting justices, would it not?—Anything coming from a clergyman would be received with respect.

4281. Are the prisoners generally anxious to attend Divine service?—They would much prefer attending daily prayers to working upon the treadmill, which is the option.

4282. Assuming that there is only one service in the Liverpool prison upon the Sunday, and that a Protestant service, do you not think that the Catholics would feel themselves very much aggrieved, and would be anxious to go to the Protestant service rather than to remain in their cells?—When we only had daily Protestant service in the prison, the Catholics used frequently to enter themselves as Protestants in order to attend the service, because they escaped labour by so doing. Above all, the great thing for the prisoners to escape from in a prison is solitary confinement; and therefore to be able to attend Divine service is a great relaxation, and is very often regarded more as a relaxation than as a religious duty.

4283. You would wish the Committee to know that you were not summoned from Liverpool, but that you were in London when you were requested to attend this Committee?—I was. I would wish, before I retire, to make this statement. It is an impression of my own (I am not speaking on behalf of my brother magistrates), that the example of the justices in appointing a Catholic chaplain to the borough gaol, has not been without its influence on the good order of the town. We have, as you are aware, a very large number of Irish Orangemen in Liverpool, and a large number of Irish Catholics; exactly that mixture which has been so fatal to the peace of many Irish towns; and yet we have been entirely free from any disturbances in Liverpool. At the last election, which turned a good deal upon a religious question, and in which interests ran very high, as was indicated by the proportion of electors who polled, there was not a single broken head or row of any kind; it has always been an opinion of my own that the example of the justices, who are very equally divided between Conservatives and Liberals, in dealing fairly in this matter, has not been without its effects upon the inhabitants of the town.

The Right Honourable the Earl of CARNARVON, attending by permission of the House of Lords; Examined.

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4284. *Chairman.*] HAS your Lordship read the evidence of the Rev. Mr. Collingridge?—I have had an opportunity of looking through it; I can hardly say that I have studied it very much in detail, but I have read it sufficiently throughout to enable me to make comments upon any particular points. I should like to mention to the Committee, that while of course I can speak generally as to matters which have come under my own cognisance as chairman of the visiting Justices for the last four or five years, I should be hardly prepared to go into very minute detail. If the Committee really wish for any information upon the minutiæ of the working of the prison with respect to this particular question with which they are dealing, I have at hand the chaplain of the gaol, who is very competent, and would be very happy to give any evidence that the Committee might desire.

4285. We are rather anxious to have your Lordship's general opinion than to go into minute detail; but the Rev. Mr. Collingridge on the last meeting of the Committee, specified certain grounds of complaint, upon which we should be glad to have some information from your Lordship?—Mr. Collingridge seems to have laid four points particularly before the Committee, and I think perhaps you would find it more convenient to take them in detail.

4286. To take the first point, let me ask your Lordship, are the Catholic prisoners allowed to assemble for the purpose of religious instruction?—For ordinary secular instruction they are assembled with the other Protestant prisoners in the prison, being taught by the schoolmaster.

4287. But for religious instruction by the Catholic clergyman, are they allowed to assemble?—They are not.

4288. Could your Lordship explain the reasons which induced the justices to refuse permission upon that head?—This question of association has been, I think, more than once before us since I have been chairman of the visiting justices, which I have been now for four or five years; we have considered the matter carefully, and I think I may say, with every wish if possible to meet any reasonable demand on the part of Mr. Collingridge, but we came to the conclusion that, to put it very shortly, it really was a question of numbers, of expense, and of prison management; that the number of Roman Catholic prisoners was not sufficient in our opinion to justify us in pressing upon the court the expense which would have been required; that that expense would have been considerable, and that the changes which would have been requisite to secure the necessary prison discipline, would have been so considerable, as to have formed another considerable item of prison expenditure.

4289. Allow me to ask your Lordship what is the

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the number of Catholic prisoners in the Winchester prison?—I saw it stated in the evidence of Mr. Collingridge to be an average of 45; but I should say, speaking from memory, that that was rather beyond the mark.

4290. Your Lordship will see it is 49 in the Return?—But you will observe that that is the number of prisoners taken upon a particular day, and there may have been some cause which may have induced an exceptional increase on that day. I am confident that 49 is above the average.

4291. Could you say whether there has not been a larger number upon any day than that?—To show the fluctuations in repect of numbers I ascertained on another occasion, and with reference to another subject, that upon the 23rd of August there were 57 Roman Catholic prisoners, which was the time when Mr. Collingridge made his application to us, and pressed upon that particular ground for various concessions; amongst others, associated worship. A month afterwards the number had sunk to 41, and a few days afterwards, if I remember rightly, it was 34 or 35.

4292. What number would your Lordship strike as an average, 40 or 45?—I should say as I can remember, from 40 to 43; 43 I should think would be the maximum average.

4293. Would your Lordship state what, in your opinion, would be the expense of assembling those 43 prisoners to receive instruction from the Catholic clergyman?— Expense is involved in providing another room.

4294. Is that the only way in which expense would be involved?—Besides that, of course, there would be a certain increase necessary to the staff of warders.

4295. Would your Lordship state why there should be an increase to the staff of warders to enable those 43 Catholics to assemble at any time to receive instruction?—The Committee must be aware, that as the prison is at present managed, the distribution of hours, as regards labour, recreation, meals, chapel instruction, and so forth, is all laid out upon a certain plan; if you dislocate that system in any one part, you have to remodel it altogether; if you remodel it and have two schools, or two chapels going on concurrently, you will require to have *pro tanto* a larger staff of officers.

4296. There is on week days a Protestant service of some kind, is there not?—There is every morning.

4297. Have you ever considered what expense it would involve to overcome the inconvenience which the Catholic clergyman alleged to have existed through his not being permitted to have a service in the morning?—Of course, I assume that the discipline of the prison and the hard labour is the first consideration, and that it would not be the wish of the Committee to disturb that in any degree.

4298. Certainly; but does not that consideration affect the Protestants as well as the Catholics?—I would say, assuming that, and assuming that chapel succeeds to breakfast, and that after chapel the hard labour of the day begins, it is quite obvious that the Roman Catholic prisoners, if they are to come into association for religious purposes, must do so previous to the breakfast hour.

4299. Is that an impossible arrangement?—Mr. Collingridge in his evidence, which I had the opportunity of looking through, suggested that the Roman Catholic prisoners should be brought into chapel at, I think, six o'clock. This would involve a change in the general breakfast hour, the time when the prisoners are obliged to rise, when the warders commence their duties; perhaps even when the prisoners go to bed, or when the warders are relieved; but I would point out that it would be impossible for me, without taking up the time of the Committee enormously, to go into such details upon this subject.

4300. Assuming that there was another room provided for those 45 prisoners, would there be any extraordinary difficulty to be overcome in making arrangements to allow those 43 prisoners to attend their service every morning?—There would be simply the difficulty of providing additional warders.

4301. And that would be the entire difficulty?—That would be the entire difficulty.

4302. Does your Lordship contemplate how many warders would be necessary for this new arrangement, provided that it was decided upon?—I do not think the number could be less than three or four.

4303. Do you attach importance to the attendance of the Protestants at their Protestant worship every morning?—Certainly.

4304. Would you apply the same observation to the Catholics as to the advantage of their attending the service of their church?—Unquestionably.

4305. Does your Lordship consider that the providing of two or three warders ought to be such a consideration as would prevent that object from being carried out?—In the abstract, not; but in the management of a prison establishment as of any other establishment, you have to look all round you to consider how any alteration will bear upon other parties, and how other interests are affected, and you have to decide what, upon the whole, seems fair and right and best for the whole establishment.

4306. May I ask your Lordship's opinion upon this point; do you think it fair and just and right that the Catholics should be debarred from a privilege or an advantage which their Protestant fellow prisoners enjoy?—I have only to point out to the Committee that if you concede the advantage to the Roman Catholics you must, upon every ground of equity, concede it also to other Dissenters, and I need not add to that that if two or three denominations in the prison claimed an equal amount of concession and expenditure, the cost of prison management, and the difficulties of it, must be enormously increased, if indeed you had not complete chaos and anarchy reigning everywhere.

4307. We will come to the matter of Dissenters by-and-bye if you will allow me to continue; I simply refer to Catholics for the time; is Catholic worship allowed upon a Sunday?—Associated worship is not allowed.

4308. Catholic prisoners are not allowed to assemble for Divine worship in the gaol on Sundays?—They are not.

4309. Is there work done upon the Sunday?—No.

4310. Then how could it be an interference with the work carried on, if Catholics were allowed to assemble for Divine worship upon the Sunday as the Protestants are; it would not interfere with work, there being no work done upon the Sunday?—I am not aware that there is any very strong reason against it, except that the

the staff of warders is reduced on Sunday in order to give them the necessary recreation; and that if you allowed the use of the chapel to the Roman Catholics on that day, you would have to increase to that extent the staff of prison warders.

4311. Then your Lordship would appear to consider that the recreation of the warders is a serious consideration as against the right of the Catholics to attend Catholic worship on the Sunday; is that what I am to understand from your Lordship?—In using the word recreation, I ought to have said health. It is a matter of absolute necessity, if the prison is to be worked with anything like its present staff, that more work should not be thrown upon the present warders.

4312. You would require more warders to get rid of that inconvenience?—No doubt.

4313. Do you think it is fair that Catholics should be debarred from attending their church or their Divine worship on Sunday, while Protestants are allowed to attend their Divine worship?—I am afraid I can only say that the minority must submit to the inconveniences of being a minority. I should readily accept the view that in a large prison such as Liverpool, where you have an equal number of both denominations, or something like an equal number, it would be most expedient that every facility that can be given should be given to the Roman Catholics; but where their number is a fraction, an eighth, or a ninth of the whole, they must, in common with other denominations, submit to what is, on the whole, best for the general working of the system and of the prison.

4314. Do you think that it is on the whole best for the general working of the gaol that the Catholics should be debarred from the advantage of attending the worship of their church upon the Sunday?—I have already answered that question. I stated that I should, in the abstract, desire every one to attend his form of religious worship.

4315. And then I understand that if you could get over the difficulty of appointing two or three additional warders, you would think the Catholics ought to have this additional advantage?—But everybody who has had anything to do with the management of county affairs knows that it is a very serious thing to add to the expense of these already expensive establishments.

4316. Do you think that three warders would be enough to bring those prisoners to chapel, and to watch over them during their attendance?—I think that that argument is merely the old fallacy of the heap of sand; it is an addition here, and an addition there, and it is difficult to say that anyone of those additions is in itself objectionable.

4317. Would the cost of providing a room, that might be used either for instruction or associated worship, be very great?—Having reference to the general structure of the prison, I should say that it would be a very expensive affair.

4318. Could your Lordship give any estimate of your idea of the cost of providing such a room?—I could get it for you, but I should be afraid of giving it myself.

4319. If the Catholic clergyman did not object to using the chapel which is now used by the Protestants, would not a great deal of the difficulty be got rid of as to the structure, and providing another chapel?—I understand the honourable Chairman's question to apply to Sundays.

4320. I apply it entirely to Sundays?—Of course if the minister on the one hand had no objection to using the chapel, and the Court of Quarter Sessions on the other had no objection to granting the use of the chapel to him, the expense would be reduced to the increase in the staff of warders.

4321. It is within your Lordship's knowledge that Catholic prisoners do attend the Protestant chapel on the Sunday?—I am not aware that they do, as such; certainly not, I should say.

4322. If Mr. Collingridge stated that such was the fact, your Lordship would be inclined, I presume, to accept that as being so?—Of course if he said it deliberately, I must presume that he would have some ground for saying it; but I should require proof, for I am bound to say that having read through that evidence, I have found a good many inaccuracies as to facts in Mr. Collingridge's evidence.

4323. As regards this statement, for instance, of course Mr. Collingridge was never in the chapel at the time the service was going on, and received his statement from other persons; but assuming it is the case that Catholic prisoners do attend the Protestant service, does your Lordship think it fair that an inducement should be held out to them to attend Protestant worship by the fact of depriving them of any worship of their own on Sunday?—My answer to that is, that there is practically no such inducement weighing upon their minds.

4324. But if there be no Catholic service, and if there be, as there is, a Protestant service, do you not think that that opportunity for a prisoner to leave his cell for an hour would be quite sufficient to induce him to attend the worship of a religion other than his own?—There would be the inducement of a service in which he took no interest, and of an association which offered him no advantages, to be weighed against the inducement of an hour's congenial idleness in his own cell.

4325. Is not there something more than an hour's idleness; is there not an hour's irksomeness of solitary confinement?—That would be so if it was solitary confinement; but that is not so when out-of-door exercise enters into prison life as it does with us.

4326. Does the out-door exercise go on at the same time that the Protestant service is going on?—I am really not sure how that is; I believe that we have altered these regulations once or twice.

4327. But on the Sunday, is it not the fact that those who are not in attendance on Divine worship are in their cells?—I imagine so.

4328. You have no reason to think the contrary?—No.

4329. Do you think, from any experience you have had of prisoners, that a prisoner would be very glad to leave his cell in order to attend Divine worship?—I am afraid I think that the inducement is of the very smallest possible kind, if it exists at all.

4330. If your Lordship heard that many witnesses had stated they had been told so over and over again by prisoners, both when they were in gaol and when they were released, would you attach more weight to that opinion than you would have been hitherto likely to do?—It would depend

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depend upon what I considered the value of the particular testimony.

4331. I will put a case in point; we had the chairman of the visiting justices of Liverpool, Mr. Rathbone, before us; and if he expressed such an opinion, would you attach value to it? —I have a great idea of the value of Mr. Rathbone's opinion and knowledge.

4332. Would you accept such an opinion?—I should be sorry to accept even such an opinion without the power of cross-examination upon it.

4333. Does your Lordship know that Mr. Collingridge offered to pay the expense of this additional building, which it was said was required for the purpose of instructing the Catholic prisoners in common, or for Divine worship?—I read that statement with the greatest possible surprise; it may be so, and it may have escaped my recollection. I have no papers by me particularly to refer to, but I have not the faintest recollection of any such offer ever having been made to us. There was an offer made by Mr. Collingridge to the effect that if a room was provided by the visiting justices he would be happy to provide what I think he termed the necessary adjuncts of religious worship, but any proposal to build a room is one which I never heard of, as far as I can remember, before.

4334. Has your Lordship the correspondence that passed between yourself and Mr. Collingridge?—Yes, but I am afraid that the whole of it is not available at this moment. I happen to have that particular letter, but I have left it in the Library of the House of Lords, and I can send for it.

4335. Will your Lordship look over your correspondence and see if Mr. Collingridge did in any portion of that correspondence make that offer which might have escaped your attention? —I will endeavour to do it when I am in the country, a few days hence.

4336. Now, with reference to the books; Mr. Collingridge has made some statements which perhaps your Lordship may think it desirable to answer; I think he stated that there was a Protestant Bible, a book of Common Prayer, and a Protestant tract, in the Catholic prisoners' cells, and there was some reason given why those were allowed to remain there?—That was again a statement which I read with a great deal of surprise; not, I am sure, that it was made with any intention of stating what is untrue, but it is, to the best of my knowledge, absolutely inconsistent with the existing fact. Mr. Collingridge, in that evidence, three or four times repeated that a Protestant Bible, a Prayer Book and a tract were, as he expressed it "invariably" placed in the cells of all Roman Catholics. I was struck with the expression. The passage I allude to is at Question 3644. "These books" (that is to say, the Protestant Prayer Book and Bible, and a Protestant tract) "are invariably to be found in every cell, and I object to each and all of them." As a matter of fact, the Protestant Bible and Prayer Book are placed in the cell of every prisoner, without discrimination, for a reason which I can afterwards explain to the Committee. A tract is placed in the cell of all Protestant prisoners after they have passed their first month's imprisonment. But men who are there during their first month's imprisonment, or for a month only, are in the first class, and these first class men are excluded from the use of all books except the Bible and Prayer Book, but no Roman Catholic prisoner is allowed to have any tract in his cell. This change took place upon a representation being made, I think, to me as chairman of the visiting justices. I saw the justice of it at once, and orders were given by which no tract should ever be admitted into any Roman Catholic prisoner's cell.

4337. Could you say when that change was made? — I cannot speak exactly to the dates, but it was somewhere about 12 or 18 months since. I ought perhaps to state further, in reference to that, that every Roman Catholic prisoner has a Bible of the Douay version, and he is entitled to any books which the Roman Catholic minister may please to give him from the library, which is placed under the Roman Catholic minister's charge; and the Committee will observe, that we have given this privilege to Roman Catholic prisoners over the Protestants, that, whereas, we exclude Protestant prisoners of the first class from the use of any books, except the Bible and the Prayer Book, we give the Roman Catholic minister liberty to give to any prisoners, whether in the first or in other classes, any book in addition to the Douay version of the Bible. Perhaps the Committee would like, in explanation of that circumstance, to know why it is that without discrimination a Protestant Bible and a Prayer Book are in the cell of every prisoner, both Roman Catholic and Protestant. It has never, as far as I have known, been made much of a grievance, and probably for this very simple reason, that I do not think more than 5 or 6 per cent. of the Roman Catholic prisoners can really read with any facility, and therefore, whatever books are placed there, is not practically of great importance; but, as a matter of fact, the Bible and Prayer Book are treated as cell furniture. Our system is to divide the prisoners into classes; the men pass from one class to another by good conduct; as they pass from one class to another, so they are shifted from one cell to another, and there would therefore obviously be only two modes of dealing with the case; either you would attach a Bible and a Prayer Book to each prisoner or to the cell; if you attached them to the prisoner, and made him convey them with him as he went from cell to cell, it would lead perhaps to communication between one prisoner and another, and to the books being defaced, and to the difficulty of detecting the person who had defaced them. It has therefore been found simpler and better to keep these two books in the cells.

4338. Are Catholic books by any chance left in the cells of Protestant prisoners?—They ought never to be so; it would be a pure accident if they were.

4339. It would be against the rule, would it not?—It would be against the rule.

4340. Do you not think that it should be against rule also to allow such a book as the Book of Common Prayer to be in a Roman Catholic prisoner's cell?—I can only say that, individually, I should have no objection to attach the books to the prisoner rather than to the cell; but all such changes involve difficulties in the working, and tend to complicate the system, and it ultimately comes back to a question of expense.

4341. We will put it in another form; does your lordship think that it would be right to have a Roman Catholic book, as it were, forced upon a Protestant prisoner?—Certainly not.

4342. And, unless by accident, such a thing never

never occurs, that is to say, a Catholic book is never forced upon the Protestant prisoner, by being left in his cell?—I can hardly see that leaving a book in his cell is quite equivalent to forcing it upon him, particularly if he cannot read or reads with great difficulty; but I will repeat what I said before, that if a Roman Catholic book finds its way into the cell of a Protestant prisoner, it is against the rule, and must be the result of an accident.

4343. Do you not think that it ought to be against the rules?—Certainly. Before leaving the case of the books, I should like to make an observation upon the answer to Question 3643, which is, "Do the Catholic prisoners have access to the Protestant books?" The answer is, "I believe they may. I do not mean that they are given them without my consent, but they are allowed leave to take them out of the library with my consent." I am rather at a loss to understand what the meaning of that answer can be, because no Protestant book, with the exception of the Prayer Book and the Bible, which, as I have described, are part of the cell furniture, ought, under any circumstances, to pass into the hands of the Roman Catholic prisoners. The chaplain is distinctly required to give none, and some two or three years ago we formed a library of Roman Catholic books, under the sole charge and administration of the Roman Catholic minister; he had full power to deliver them to whomsoever he pleased, and in whatever way he pleased.

4344. Mr. *Dalrymple.*] I asked an explanation of that answer at Question 3753. I asked, "When it is said that they can have Protestant books also, I conclude you mean books which are common to all?" and the answer was, "Books in the general library." He meant books that they all might read, I suppose?—I think, as a matter of fact, that very few Roman Catholic prisoners ever do have books out of the general library; they are almost uniformly supplied out of the Roman Catholic library, and I think that that is the best rule to go by, as it prevents mistakes and confusion.

4345. Does your Lordship wish to make any other reference to the subject of books before you go to the question of the school?—I notice nothing myself.

4346. With reference to the school, I think that Mr. Collingridge stated that the Protestant teacher expounded the Protestant Bible in a Protestant spirit, and, therefore, necessarily in an anti-Catholic spirit, and that Catholics were present during that examination. Do you think that that is desirable?—It is rather difficult to reply to an abstract question of that sort, and I must again fall back upon my old answer; that if you have several denominations in a prison, you must have some rule upon which you will proceed; there must be some who will be in a minority, and they must suffer the disadvantage of a minority. As you are aware, the schoolmaster instructs in the school, and the schoolmaster, no doubt, is a Protestant; but I ought to say that it is perfectly optional to every Roman Catholic to go to school or not, as he pleases. He is distinctly informed that there is no compulsion upon him, and no necessity for going, if he has any conscientious objection to doing so, which is again at variance with one of the answers which Mr. Collingridge made; and, in the next place, he may bring with him, and many do bring with them, Bibles of the Douay version; and lastly, perhaps, I ought to say that the amount of religious instruction which is given is much the smaller portion of that instruction.

4347. Taking all that as being perfectly true, and that the amount of religious instruction is, in point of time, small, and that a prisoner may or may not attend as he pleases, is the fact of his having in his hand his Douay version of the Bible a complete protection against the influence of a Protestant exposition of the Bible?—I do not suppose that anything that you could give would be a protection if there is a *mala fides* in the matter.

4348. Supposing that there is *bona fides*, and an honest intention of expounding the Scriptures in an honest and anti-Catholic spirit, is there a sufficient protection in the fact that a person happens to have in his hand a Douay version of the Scriptures?—I think protection in that sense means abstinence from the school.

4349. And is there not, on the other hand, an inducement to leave the cell to attend school, which may be considered as a relaxation?—To some prisoners, no doubt, there is an inducement to attend school, while to others there is not.

4350. At any rate, I can imagine that it is a pleasanter thing to attend school than to remain locked up in a cell?—It used not to be under our old system; it is now, I believe.

4351. At any rate, if the inducement were comparatively weak before, it is strengthened now, is it not?—Yes.

4352. Now, with reference to this matter of Dissenters to which your Lordship referred; is it not within your own knowledge that the great body of Dissenters do not object to the teaching of the Protestant clergyman, nor to attend the Protestant chapel?—I think, as far as my experience goes, that depends very much upon the chaplain.

4353. Upon whether the chaplain is popular, or an attractive preacher, or what?—I was not thinking of those qualities in the prison chaplain, but I was rather referring to this, that where the chaplain is a man of good sense and tact, he can satisfy Dissenters as well as Churchmen.

4354. But whatever his good sense, and whatever his tact and *bona fides*, do you think that the Protestant chaplain can satisfy the wants of a Roman Catholic in point of religious instruction?—I do not see that under our system he gives them any instruction whatever.

4355. Does not the Protestant chaplain give instruction every morning?—No Roman Catholic prisoner obtains the religious instruction he requires from the Protestant chaplain.

4356. Does your Lordship know that a Roman Catholic cannot, without practical apostacy, attend the worship of another church than his own?—I should be sorry to say that, from my personal knowledge of several devout Roman Catholics whom I have known in former days, but I am aware that that is the view entertained by a considerable number of persons.

4357. At any rate, you will take it for granted that that is a very general rule under which Roman Catholics act, and that that is their feeling and opinion?—I am quite willing, for the moment, to accept anything that you may state.

4358. Assuming that it is the case that a Roman Catholic prisoner cannot attend the Protestant worship without a practical departure from his church; is it a fair thing to put a Roman Catholic in a gaol where you have got him without liberty

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of action on his part in such a position as not to give him the option of attending his own service, and thereby induce him to attend the Protestant service?—I think the Committee is under some misapprehension; every Roman Catholic prisoner in the county prison in Hampshire has the full benefit of the religious services and instruction of his priest. The only restriction which is imposed upon him is, that that instruction shall not be given in association.

4359. Do you know that Roman Catholics attach much importance to attending Divine worship upon the Sunday?—I presume they do on Sundays as well as upon week days.

4360. Do you know that it is a matter of absolute conscientious obligation upon Roman Catholics outside the prison, to attend Divine service on every Sunday in the year?—It is very difficult to answer that question, from one's personal experiences, which are sometimes rather adverse to that proposition.

4361. If your Lordship will assume that such is the fact, do you think that they ought, in prison, to be deprived of that religious privilege?—Perhaps the best way of answering the question, which I think the honourable Chairman wants answered, would be for me to state how far we have endeavoured to meet in this matter the wishes of Mr. Collingridge with regard to religious instruction. But if I am told that it is incontrovertibly a matter of strict obligation upon every Roman Catholic to attend Divine worship in association upon the Sunday, I have no answer to make to that. As a matter of fact, the Roman Catholic prisoners cannot, under our system, attend Divine worship in association on Sunday, but we have gone to a considerable length to obviate that, as I shall be prepared to point out.

4362. Will you tell the Committee to what length you have gone?—We have authorised Mr. Collingridge, on the octaves of the three great festivals, Christmas, Easter, and Trinity, to administer the Holy Communion to all such prisoners as he may place upon his list, and we have, in fact, re-cast and re-modelled the prison arrangements to such an extent as to give every facility for that being done.

4363. Merely to have the Holy Communion administered to them upon these three great festivals in the year?—Yes; and besides that, he is perfectly free on Sundays, as well as on other days, to perform the services of his church in the different cells.

4364. Is it your opinion that there ought to be a certain amount of instruction, to fit the Catholic prisoners for a festival of such solemnity as you refer to; and are you not of opinion that the instruction, such as is ordinarily given by a clergyman to Catholics in association, would be very important as a means of preparation for that object?—I should have thought that the instruction necessary for preparing prisoners for the reception of the Holy Communion would be better administered in private than in association.

4365. Could you say what time would be required for preparing a prisoner for that solemn exercise?—I could not say what time any clergyman of any denomination would require; it must depend upon the person with whom he is dealing. But if you calculate the amount of time at the disposal of the Roman Catholic priest as against the time at the disposal of the chaplain, Mr. Collingridge has a greater amount of time at his command than the chaplain has.

4366. But has not the chaplain a right of assembling his flock in association, and of preaching to them all at the same time?—The chaplain has the advantage, and the great advantage, of instructing prisoners in association.

4367. Is not that a great advantage?—It is a great advantage.

4368. Does not it increase the power of the clergyman in instruction, and render it much more impressive, while it economises his time?—I do not know that it renders it more impressive; that must depend naturally upon the individual case. I should say the advantage is that it is an economy of labour.

4369. If it be an economy of labour, why would you not allow the Catholic chaplain to economise his time just as you would allow the Protestant chaplain to do so?—The difficulties are those which I have pointed out, arising from the number of the Roman Catholic prisoners, and expense; but we have endeavoured to meet Mr. Collingridge in another way, by allowing him to name an assistant, and whenever he is himself unable to take out the full time which is at his disposal, to allow the assistant to do it for him.

4370. That is, to instruct the prisoners singly?—Yes; to instruct the prisoners singly.

4371. But not to allow him to assemble them in common for the purpose of instruction, or for the purpose of Divine worship?—That is so.

4372. Now, with regard to salary, as a matter of fact, has Mr. Collingridge ever applied for salary?—I really could not say from personal knowledge. I am quite willing to accept Mr. Collingridge's statement that he has not done so; but I ought to say, in fairness to the court of quarter sessions, with whom Mr. Collingridge finds great fault, and from whom he says he can never expect any justice at any time or under any circumstances, that with regard to this matter, if I remember rightly, as soon as the recent Act was passed they proceeded immediately, having reference to the number of Roman Catholic prisoners who would be under his charge, to give him a salary which they considered sufficient; indeed, I think that Hampshire was one of the earliest counties that took any steps in the matter.

4373. But have you found in Mr. Collingridge's evidence, or in any correspondence that he has sent to your Lordship, that he attaches more importance to giving full religious instruction to the Catholic prisoners than he does to the acquisition of a salary, or to an increase of salary?—He has never contrasted the two in any way.

4374. Has your Lordship read the question in the evidence, where it is put to him, that he is more anxious for that religious instruction than he is about a salary?—I have no doubt that that is so; but I do not think, in fairness, if he has never breathed a syllable with regard to salary, that he ought to make it now a matter of complaint against us that the salary is not large enough.

4375. Sir *John Pakington.*] Your Lordship has just given evidence with regard to the books which are allowed in the cells; you have a certain number of Roman Catholics in the gaol, and you have a Roman Catholic minister; may I ask you whether you do not think that it would be

be better, under those circumstances, to allow the Roman Catholic minister to decide what books shall be in the Roman Catholic cells, than to call a Protestant Bible and a Prayer Book prison furniture, and to place them in every cell?—I have no objection to the principle which is implied in that question, and individually I should not hold particularly to retaining the Bible and Prayer Book as cell furniture. I explained to the Committee the reason upon which I found that rule existing, and the certainty that a change of it would entail trouble and difficulty, and ultimately lead to some slight increase of expense.

4376. Such a change would meet Roman Catholic scruples, and, I presume, could not be productive of much expense or much interference?—I should be very happy to make such, and even a greater change if it completely satisfied Mr. Collingridge.

4377. Mr. Collingridge told us of a correspondence with your Lordship in the course of last autumn; will you be good enough to tell the Committee what were the principal subjects of that correspondence?—I can hardly speak with certainty as to what the contents of that correspondence were; I believe it related generally to increased facilities for religious instruction and to associated worship. Mr. Collingridge says that it contained an offer on his part to build a room. As I have already stated, I cannot remember anything of the kind.

4378. You cannot recollect?—No, I do not believe that it was ever made.

4379. My object in putting that question was to ask whether the correspondence related chiefly or in a large degree to the question of associated worship?—It formed a part, no doubt, of that correspondence.

4380. If I read rightly Mr. Collingridge's evidence, I think he told us that he had repeatedly applied to the visiting justices for permission to have Mass and associated worship, and that he had always been refused; is that within your Lordship's recollection?—I believe that Mr. Collingridge stated that, but that the statement is not quite accurate. If the Committee do not object to my reading a few paragraphs out of the visiting justices' report of the Michaelmas sessions 1869, in which this particular question was dealt with, they will see the form in which we left it to the court. Applications of various kinds had been during the course of the twelve months, as far as I recollect, made to the visiting justices, and they had granted all that they felt themselves at liberty to give, having reference to their own powers and to the understanding on which they hold those powers from the court; they subsequently referred the larger question of associated worship to the court. If I were to read to the Committee the terms upon which they made that reference it might save a good deal of trouble. I ought to say, in the first instance, that Mr. Collingridge had complained that the time at his disposal of an evening was not sufficient; and the visiting justices met him in the following way: originally the time at his disposal was from a quarter past 12 till half-past one, which they subsequently extended from a quarter past six to seven in the evening, and which they again extended, on a further representation, from a quarter past six to a quarter past eight, giving him now about three hours and a quarter in the day. The first part of the report was taken up with a recommendation of those extensions in point of time, which I need not read. The visiting justices then went on in these words: "Mr. Collingridge dwells with much force upon the difficulty with which he, whilst alone and unaided, undertakes the spiritual care of so many Roman Catholic prisoners as at present happen to be in confinement. The visiting justices do not deny that there is here some cause of complaint, but they doubt whether it is one entirely susceptible of redress. It might, however, in a great measure, be lessened by recognising his assistant, and by allowing him to act in aid of Mr. Collingridge at those times of the day or evening when religious teaching is permitted. In this manner it is reasonable to suppose that the entire time now granted to Mr. Collingridge for religious purposes would be utilised, and provided that the assistant's name is, upon the recommendation of the visiting justices, subject to the approval of the court, and that it is distinctly understood that he, as well as Mr. Collingridge, should be responsible to the visiting justices for a strict compliance with all regulations and conditions which they may think it right to lay down, they do not apprehend any serious objections to such a relaxation as would be involved in the change." I may mention upon that point that the court have agreed to the extension of time, and to the recognition of his assistant. "Thirdly, Mr. Collingridge urges, in very earnest language, the expediency and the justice of associating the Roman Catholic prisoners for religious worship, and, if the visiting justices do not misunderstand him, for religious instruction. This is a request which, in the opinion of the visiting justices, needs careful consideration before it can be conceded, and they feel it their duty to point out to the court some obvious consequences of it. It will be clear to the court, if Mr. Collingridge's request were granted, it would probably be by sanctioning Divine worship, or religious instruction, as the case may be, for the Roman Catholic prisoners at the same time that the other prisoners are in chapel or school. Mr. Collingridge, indeed, suggests to the visiting justices, as a precedent or guide, the practice of the military prisons and the convict establishments, where the prisoners of both denominations successively occupy a common chapel; and he might have quoted other instances, as for example, the borough prison at Liverpool, or the Manchester city gaol, where such is the practice. But in Liverpool the total number of prisoners averages nearly 900, of which the Roman Catholics scarcely fall short of 600; whilst in Manchester, out of 720 prisoners, not less than 270 are Roman Catholics. The case here is different, and the total numbers in that prison are not such as to allow of this further sub-division of the prisoners for the purpose of Divine worship and education without a serious disturbance of the existing classification, the hours of labour, and the general system of discipline. On the other hand, if associated worship or instruction be sanctioned at the same time that the other prisoners are in chapel or in school, it is clear that another room (which does not now exist), properly fitted up for Roman Catholic worship, must be provided, and that the staff of prison officers must be increased. These are questions which, however they may be decided, call for careful examination. The visiting justices will gladly enter upon such a consideration if it be the wish of the court; but they ought to point out that the principle upon which such an arrangement

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arrangement would, under similar circumstances, be made, is one quite applicable to other religious denominations as to Roman Catholics. There is in fact, in the opinion of the visiting justices, no reason why such denominations should not claim an equally exceptional accommodation with that now sought by Mr. Collingridge; but it will be obvious to the court that if such facilities for separate worship and instruction was extended to them, the administration of the prison on any fixed system of labour or discipline would become simply impossible. This is, in their opinion, a question of numbers not less than of expense, and they apprehend that such must also have been the view of the Legislature when the 26th & 27th Vict., c. 79, s. 3, was enacted. The visiting justices are far from saying that, if at any time, or for any reason, the Roman Catholic prisoners should so increase in numbers as to bear really a large proportion to the general body of the prisoners, it might not become the duty of this court to provide more complete religious accommodation for them; but whilst they hold their present proportions to the total numbers, it appears to the visiting justices that they must accept the inconvenience to which in such cases a minority is subject. With this statement of a question which is important, not only locally, but in its general bearings, the visiting justices will now leave the matter in the hands of the court." So the Committee will see that it is not strictly accurate to state that the visiting justices had ever refused Mr. Collingridge's application. They had stated the case to the court: there was nobody in the court who chose to take that question up, and the court preferred to leave the matter as it now stands. Since then the various extensions and concessions which I before stated with reference to the time, and with reference to the recognition of Mr. Collingridge's assistant, and as to the administration of the Holy Communion, with one or two other details, have been granted.

4381. If I rightly followed the extract which your Lordship has just read, the visiting justices in that Report alluded to the question of whether or not the precedent established at Liverpool and other places, of allowing Roman Catholics to have a sort of joint occupation of the chapel had been entertained: it was referred for consideration, but it has not since been taken up by the court, and there the matter rests without any decision; is not that so?—The court did not take it up at the time, and Mr. Collingridge subsequently addressed fresh applications to us. We brought those applications again before the court on a recent occasion, and obtained from the court those concessions which I have already specified, namely, the extension of time, and the recognition of his assistant, because we considered ourselves entitled of our own power to provide for the administration of the Holy Communion.

4382. Those were concessions, no doubt, showing, as far as they went, a desire on the part of the visiting justices, and I presume on the part of the court, a desire to meet fairly the requirements of the Roman Catholic chaplain; but I still understand your Lordship, that the important suggestion of the joint use of the chapel, for the purpose of associated worship by the Catholics as well as the Protestants, has not either been reconsidered or determined?—I myself understand that the court has for the present decided it in the negative, although not by any formal vote.

4383. They decided it by taking no action upon it?—I understood the decision of the court to be, that the changes which had been made, and which were proposed to be made, were sufficient to meet the grievance.

4384. May I ask whether it was intended by the visiting justices, in those passages which you have read upon the subject of the joint occupation of the chapel, to intimate to the court an opinion in favour of such joint occupation?—I think the intention of the visiting justices was to place the court in full possession of the facts of the case, and to make them acquainted with the general arguments on both sides, which might be urged in deciding that question; their object was that the court should not go blindfold into any decision, one way or the other.

4385. May I ask your Lordship's own opinion; would you approve of a joint occupation of the chapel?—I think the principle which is indicated in that report is a very reasonable one; that where there are a very large number of Roman Catholic prisoners, as there are in many of the midland county prisons, it is only reasonable and right to give them such accommodation; but where, upon the other hand, they amount to a fraction of the total number of the prisoners, the disturbance to the system may be so great, that as a minority they must be called upon to bear the inconvenience. Of course it would depend upon the circumstances of the different gaols; the disturbance to one system may not be so great as it is to another, and the inconvenience which one may not be called upon to bear may not be so great in the one case as in another.

4386. When you refer to disturbance, do you refer to what would take place upon a week day, or would there be a disturbance upon the Sunday?—The inconvenience is mainly, of course, upon the week days.

4387. I presume, from the answer which your Lordship has before given, that you would think a body of from 40 to 50 Christian prisoners ought to have the advantage of Divine worship upon the Sunday, if it can be reasonably provided for?—I think your estimate is very much beyond the mark.

4388. Your Lordship's own estimate was 43?—Forty-three I said was the maximum average; and I ought to say this, which is a point to be very much borne in mind with regard to the associated religious instruction of the Roman Catholic prisoners in Hampshire, that assuming that there are, say, from 40 to 43 Roman Catholic prisoners, there would probably not be eligible for such associated instruction more than one-half of that number. By our rules, which I think are very sound, no one in the first class, that is to say, during the first month's imprisonment, goes to school; school with us is now treated as a privilege, and that is the reason it is now considered an inducement to attend it; formerly it was not so; but in order to make it a privilege, we have been compelled to exclude all men during the first month of their imprisonment, and all those whose sentences are for 7, 14, 21 days, or anything within the month; therefore, practically, by the reductions which are so made, the number of prisoners who would be brought into associated instruction, would not be more than from 20 to 25, I think.

4389. But we were speaking of Divine service, not of associated instruction; would those observations apply to Divine service?—No, I presume they would not.

4390. I presume

4390. I presume if the joint occupation of the chapel were permitted, all arguments upon the ground of expense, so far as that is concerned, would vanish?—I think an expense would be necessary for an increase in the staff of the warders, and for whatever religious adjuncts might be required.

4391. Expense would be incurred by whatever increased staff might be required; I presume your Lordship would not deny that in such an establishment the staff should be adapted to the fair requirements of the establishment, whatever they may be?—Certainly.

4392. You spoke of the difficulty which might possibly arise in the event of further concession to the Roman Catholic prisoners with respect to Protestant Dissenters; have you ever found in Winchester any objection upon the part of Dissenters to attend Divine worship in the Protestant chapel?—There have been such cases.

4393. I presume those are infrequent cases?—They have not been frequent, which I attribute to the good feeling and judgment of our chaplain.

4394. Does your Lordship happen to remember what classes of Dissenters those were?—I think Baptists and Presbyterians.

4395. You have not above two or three of either denomination in the prison, I presume?—We have sometimes a considerable number of Presbyterian prisoners.

4396. Mr. Collingridge in his evidence expressed a strong opinion of the inadequacy of the salary of 40 *l.* a year; may I ask your Lordship if you can recollect upon what principle the court decided upon that amount of salary?—I should be sorry at this distance of time to say what the principle was, but I think I might point out to the Committee that, assuming capitation to be anything like a fair ground, upon such a scale the Roman Catholic priest would have nothing to complain of. There may be upon the average somewhere about from 40 to 43 prisoners, which is at the rate of about 1 *l.* per head, and there would be an average of about 300 Protestant prisoners, which, with a salary of 300 *l.* a year to the chaplain, would be as nearly as possible the same thing.

4397. Mr. Collingridge also stated a complaint upon a subject which has already been adverted to by the honourable Chairman, but not exactly with regard to the precise terms of Mr. Collingridge's complaint. The honourable Chairman has asked you about the system of instruction of Roman Catholics in the school. Mr. Collingridge stated to us that this was a subject of complaint as long as nine years ago, and that nine years ago, a promise was made by the visiting justices to remedy the grievance, but that from that day to this nothing further has been heard of that promise, and that it has been disregarded; does your Lordship remember anything about that?—It was long before my time, and it is the first time I ever heard of such a promise; it has never been brought under my notice, as far as I am aware, since I have been chairman of the visiting justices.

4398. Do you think that there is any fair ground of complaint at present in respect of the instruction of Roman Catholics in the school by the Protestant schoolmaster in the Protestant Bible?—I apprehend, as I said before, looking to the fact that the Roman Catholics are a small minority in the prison, and that some uniform rule is really necessary for the working of a large establishment, that the inconvenience and grievance is reduced to a minimum. No Roman Catholic prisoner is required to attend; it is explained to him that it is free for him to stay away. If he does go there he is equally free to bring his own Bible with him. The Protestant schoolmaster of course, so far as he deals with the Bible at all, must deal with that Bible to which he has always been accustomed. On the other hand, the religious instruction certainly does not occupy above 15 or 20 minutes out of the hour; the rest is entirely devoted to secular teaching.

4399. But if a Roman Catholic availed himself of any such permission, and stayed away altogether in order to avoid the Protestant Bible, he would stay away to his own injury in other respects, would he not?—No doubt he would; it is his misfortune to be one of the minority.

4400. Would there be any difficulty, either in principle or in practice, in establishing that with which we are all familiar, namely, a sort of conscience clause, to allow that at the request of the priest, the Roman Catholic prisoners might stay away from that part of the instruction?—It would involve a great deal of trouble, because you would have to be continually telling off particular men, unlocking the cells, passing them through the corridors, taking them through the schoolroom, and taking them back again. The confusion which all those sort of minute changes introduce into a system is almost inconceivable, and the right honourable Baronet knows very well from his experience in county matters, that there is never too large a margin of money for such refinements on a prison system.

4401. You think that although there would not in principle, yet that in practice there would be difficulty?—I know there would be difficulty in practice, and I do not think that the advantage would be tantamount.

4402. Mr. *Talbot.*] With regard to the working of this Act, which has been so much under discussion, I imagine your Lordship's interpretation of this Act was, that each prison authority was to decide according to the best of its judgment the way in which the Act was to be carried out?—Yes, I think so.

4403. If Parliament had desired that in every case of minority of this kind a special religious provision was to be made, it would have been better to mention that in the Act of Parliament, would it not?—I think Parliament considered it better to leave it to the discretion and good faith of the visiting justices, they being conversant with the local requirements, and being presumed to be acting fairly.

4404. The justices, either in the smaller body as visiting justices, or in the larger body at quarter sessions, consider themselves to be acting for the county?—No doubt they act for the county.

4405. Although not an elected body, they are to some extent a representative body?—Yes.

4406. And therefore they would be bound to take into account the feeling of the county for which they were acting?—Yes, undoubtedly.

4407. If the feeling was very strong against providing a Roman Catholic chaplain, or Roman Catholic services, it would not be altogether fair to charge them with bigotry and intolerance because they had not carried out the views of the Roman Catholics?—No, certainly not. If it is a question merely of detail, I consider that they are bound to carry out while they hold their

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office, the principles of the body which appoints them; but if it is a question of principle, they have to reconcile it with their conscience whether they will carry out their own pleasure or bend to that of the superior body.

4408. Are you aware whether the practice in various counties varies considerably?—No doubt it does so.

4409. In the county of Kent no payment is made to the Roman Catholic priest, the number being about the same as in your county; but, on the other hand, the provision for service which has been so much discussed this morning is allowed?—I have understood that it is.

4410. So that one body of magistrates takes one view of toleration, and another body takes another?—Yes, that is so.

4411. Ample liberty is given to them under the Act of Parliament; that is clearly the discretion that Parliament left to them?—Yes; Parliament left that liberty to them.

4412. Then, passing from that subject, I would ask your Lordship upon the subject of the pressure which has been hinted at as being put upon the Roman Catholic prisoners, by the ministrations of the chaplain of the Church of England; has your Lordship any reason to suppose that the chaplain in his instruction deals with controversial matters?—I believe that Mr. Rogers, our chaplain, both from the instructions which we have constantly given him, and from his own disposition, would be desirous to avoid anything like the faintest pressure upon the conscience of a person of another denomination.

4413. Mr. *Matthews.*] Is your Lordship aware what number of warders there are now employed in Winchester Gaol?—We have occasionally altered the staff, but I think the number of discipline warders is 16.

4414. Do you know how many warders are told off to conduct prisoners to chapel on Sundays?—A considerable number, from the necessity of the case. Under any circumstances the conducting of a number of prisoners, whether large or small, requires a certain number of warders.

4415. I wished to know what number it was?—There must be one warder to unlock the cells; there must be another warder half-way down the passage to watch the prisoners as they pass through; and a third to receive them at the door of the chapel. Besides that, there must be warders in proportion to the number of the prisoners, and to the arrangement of the room, to superintend them during Divine worship.

4416. How many would you have to watch them during the service on Sunday?—I should think, so far as mere supervision was concerned, one warder to about every 50 prisoners would be sufficient.

4417. So that, in order to enable the 40 or 43 Catholic prisoners to go to chapel on Sundays, four warders would be sufficient; three on the road to the chapel, and one in the chapel?—Yes.

4418. What number of warders are allowed to be absent on Sundays?—I am afraid I cannot answer you in detail. All I can say is this, that our staff is now reduced to the lowest point to which I should like to see it, and that with the harder work which has been lately thrown upon them, it has been absolutely necessary, as a matter of health, to give them some relaxation upon the Sunday as the most convenient day. I ought to mention that even the concessions which we have made to the Catholics of late as regards attendance in the evening, have contributed to impose additional work upon the warders.

4419. But I understand your reason for objecting to allow Roman Catholics to hear Mass upon the Sunday may be reduced to this: that the present staff of warders is insufficient for the purpose. I want to know to what extent that applies?—I stated that there were two objections. One was the fact that no room at this moment exists which would be suitable for this purpose, and that one would have to be provided, at a considerable expense; and, secondly, that you would have to increase your staff of warders; and whatever that increase was in money, it must be taken into account.

4420. I understood that the first objection was obviated by the joint use of the prison chapel?—Assuming that, it would be so.

4421. That left simply the objection of providing a sufficient staff of warders?—Yes.

4422. Do I understand your Lordship that there is any time upon the Sunday morning when there would not be four warders available?—I am satisfied you could not do it with the present staff.

4423. I should be glad to have the actual facts as regards the absence or presence of warders at a certain time?—In the prison it is necessary to divide and distribute your work amongst the existing staff, and it would be absolutely impossible for me, even if I had that knowledge, at this moment to explain how every warder was stationed in the particular parts of Winchester Gaol. All I can say is, that no more work could be placed upon the present warders without rendering an increase to their numbers necessary.

4424–5. At what hours does the Protestant service begin and end on Sundays?—It begins on Sunday mornings at 10 a.m., and on week days at seven.

4426. At what hour is it over?—Those are details to which I cannot pledge myself.

4427–8. But they are details on which your Lordship's judgment must rest, as the inconvenience to the warders is the sole matter upon which your Lordship is now basing your objection?—I must demur to that way of putting the question. I take it they are in chapel about an hour.

4429. Are all the warders present during this hour in the chapel?—Some are employed on one duty, and some on another.

4430. And are none of those men on leave of absence at this hour on Sundays?—I must decline to give an answer upon those minute details, because I could not give it with precision.

4431. Does not your Lordship's view of the inconvenience of the warders rest upon those details?—Yes; and no doubt my opinion was formed upon a knowledge of those details; but it is quite impossible for me, a couple of years afterwards, to give the details upon which it was formed. All I can give to the Committee is my general conclusion that, assuming the existing chapel to be used also for the Roman Catholic prisoners, and the difficulty consequently to be reduced to a mere question of warders, an increase in the staff of warders would become necessary. What amount of increase might be required would be a matter which, of course, the visiting justices, if they were carrying out the orders of the

the court, would have to consider; and it would then become my object, as the chairman, to try and bring that increase down to the smallest possible amount, if it could be done, by simplifying the other arrangements, cutting off work here and reducing it there; but I am satisfied that no such fresh duties could be imposed without increasing the staff.

4432. Could your Lordship give the Committee the details upon which your judgment rests, that daily service upon week days would derange the economy of the prison?—Merely in this way, that the religious services in such a case must succeed each other. If they succeed each other you will find you will get into difficulty with regard to the subsequent distribution of your hours. You will have to begin your day's work a great deal sooner than you now begin it; you will have to get all your prisoners out of bed so much sooner; if in winter, you will have to light up the prison so much earlier; you will have to get all your warders out of bed so much sooner, and you will have gaps and intervals which will have to be made good some way or another. You will have a double amount of locking and unlocking of the cells; and you will have that which is the most troublesome thing of all, namely, a sort of cross division of the prisoners, some going to one part of the prison, and others going to another. These cross divisions are, no doubt, practicable in very large penal establishments, but in prisons of a moderate size, such as the Hampshire County Prison, they involve considerable difficulty.

4433. Does your Lordship happen to have with you a time table of the meals and the arrangement of the work, and so on?—No, I have not got that, but I have got a table which will, perhaps, show the Committee how very complicated the system is in a certain sense, and how very liable it may be to derangements, if you introduced small changes here and there, without considering the bearings of them upon the whole system. The prisoners are divided into five classes; the first class embraces the first month, and the total labour assigned to the prisoners is 10 hours per day. Of those 10 hours, eight hours a day are spent upon the treadmill or at the crank, and two hours are devoted to oakum picking; that is in the case of prisoners who are termed effectives. In the case of non-effectives the 10 hours labour is employed in rope picking, one hour of which has to be spent in the open air, the rest in the cells. Besides that, various provisions and regulations are laid down with regard to marks. A certain number of marks have to be gained as conditions for the passage of prisoners from the one class to another. Class 2 embraces the second and third months, until 55 marks are gained, and then there comes a total labour of nine hours, eight hours of which are to be spent upon the treadmill, and one hour in oakum picking for the effectives, and nine hours rope picking for the non-effectives, two of which are to be spent in the open air. Class 3 covers the 4th, 5th, and 6th months until 80 marks are gained. The total amount of labour is nine hours, six hours at the treadmill or crank, and three hours oakum picking; non-effectives nine hours oakum picking, two hours of which in the open air. The next class is as regards total labour nine hours for the effectives, four hours at the treadmill or crank, and five hours trade instruction, spade labour, or oakum picking; for the non-effectives, nine hours trade occupation, or if not employed at a trade, nine hours oakum picking. The remainder of the sentence is embraced in class 5; nine hours labour, of which three hours at the treadmill or crank, and the rest in trade instruction, fatigue and spade labour or oakum picking. That will show the Committee, I think, that there is a good deal of complication, and that a good deal of thought was needed in the first instance, in order to get those different classes, some of them being very different classes of work, and all of them doing very different amounts of work, into harmony with each other. That has been done, but any little change being introduced without first seeing the full scope and bearings of it would throw the whole machinery out of gear.

4434. I do not observe in that list any provision for daily prayer for Protestants; does that precede their daily labour, or is it included in it?—I think it precedes it entirely.

4435. Therefore while the Protestants are at their daily morning prayer, what are the Catholics doing?— I presume they are in their cells; the duration of the service is a quarter of an hour.

4436. Their work, of course, does not begin earlier than the Protestants? — Their work begins at the same time, according to the class they are in.

4437. Then the only difficulty in giving the quarter of an hour for prayers to the Roman Catholics would be, that it would come either just before or after the Protestant service?—But you have not merely the quarter of an hour's prayer, you have to get your prisoners in and out of the chapel, and into the cells; you have to allow for all that.

4438. Does breakfast as well as prayers precede the work?—Breakfast and prayers precede the work.

4439. For all prisoners alike?—It does.

4440. Does your Lordship see any difficulty in the Catholics being at prayers while the Protestants are at breakfast, and *vice versâ*?—Simply that if you have two systems going on concurrently, one system for a fraction in the gaol, and another system for the majority in the gaol, it leads to an enormous amount of trouble, confusion, and difficulty in working.

4441. Now with regard to the question of books, I understand the Catholic prisoners are provided with such books as Mr. Collingridge has mentioned?—That is so.

4442. When a Catholic prisoner leaves the cell, what becomes of the Catholic books he has had in his cell?—As far as I remember, I think they are collected by the schoolmaster, and handed back to Mr. Collingridge.

4443. Has your Lordship had any complaints that that entailed either trouble or expense?—I have had no complaints, because it is part of the schoolmaster's duty to do it.

4444. Would it entail any additional trouble or expense for the schoolmaster to see that the Protestant books were removed from the cells of Catholic prisoners?—It would entail a very considerable augmentation of trouble, because whereas there are but 40 or 43 Roman Catholic prisoners whose books have to be seen to, there are about 300 Protestant prisoners.

4445. But it would only be necessary to remove the Protestant books from the 40 cells which were to be occupied by the Catholic prisoners?—

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prisoners?—Yes; but, as I said before, I am not at all sure that one change will not involve two or three more; when once you touch a part of a system like this, you can hardly limit the change to that which you lay down in this manner at the first blush.

4446. Limiting ourselves to that which suggests itself at the first blush, there does exist a machinery for removing the Catholics books which have been left behind by the Catholic prisoners?—No doubt.

4447. And would not the same machinery be applicable to the removing of the books which a Protestant has left in the cell?—No doubt we should have to use the same machinery, but I would not at all say that it would involve only the same amount of trouble which the existing system involves. Even if it did only that, it would involve a considerable amount of difficulty, as the removal of the books would involve a double removal; the removal of the books from the cell and the removal of the books to the cell when they were replaced.

4448. Are not the Catholic books removed from the Protestant cells as a mere matter of routine?—It is a matter of routine, but one requiring care.

4449. Is it in order that the Protestant prisoner may not come into contact with the Catholic books?—It is to confine the use of the Roman Catholic books to the Catholic prisoners.

4450. Mr. *Synan.*] Your Lordship has stated the inconveniences to which these prisoners are subjected as a misfortune arising from their being a small minority; does not that principle apply out of the prison to the Catholics of England as well as in the prison?—I submit that that is rather a large question, and it would take me some time to answer it.

4451. Does the fact of the Catholics of England out of prison, under the present educational system, being a small minority, impose upon them the inconvenience of remaining in a school where they receive Protestant instruction?—If the honourable Member is referring to primary education generally in the country, I must say that I think it would take me a very long time to discuss that point. I am prepared to explain anything the Committee may wish with reference to the Prisons Ministers Act, but not at this moment to embark on a discussion upon primary education.

4452. But supposing the minority out of the prison are not exposed to that inconvenience, taking that for granted, why should they be subject to that inconvenience in the prison by reason of their being a small minority?—I take it that the theory and the common sense of the question is this, that in a certain sense the persons who commit crimes and place themselves out of the protection of the law and of society, have really no claim whatever, strictly speaking, to religion, or to education, within the walls of a prison; but the State is disposed to take a more humane view of the case, and to depart from the letter of strict justice, and, as far as it can, to make provision for the reformation of those offenders, holding that that reformation may be best accomplished by religion and by education. But of course the State can only do this in a general sort of way; it cannot meet the case of every single denomination; nobody would suppose it reasonable to require that a salary should be set apart for a minister of every one of the 25 or 30 disssenting sects in England.

4453. I do not refer to the salary?—I mean, that no special provision can be made for these particular cases; you must be content to deal with it more or less in a rough and general way. Assuming that there is one religion which the State chooses to dispense, all you can do is, to lessen the hardship of those who have not the benefit of coming under that system. I do not mean to say, that there are not many utopias which might not be very much better, but I think, looking at things as they are, you must accept the system as it is, and simply try to work it.

4454. According to your Lordship's evidence, it follows from the fact of people being imprisoned, and that Government does not discharge to them the same duties they discharge to ordinary citizens, that they are subjected to these privations?—I think any minority in a country is always subject to some inconvenience.

4455. Is the object of imprisonment reform or punishment?—That, again, is a very large question, and you would find as many persons holding one view as the other.

4456. Supposing the object of imprisonment to be reformation, would not teaching of a religious and moral character, as well as what you call secular teaching, be a part of that system?—I do not think that any reasonable person will contend that the whole and sole object of a prison is the reform of the prisoners.

4457. Supposing that was the main object?—It is rather difficult to suppose it, because you ignore in that case one-half of the machinery and appliances, and in fact the *raison d'être* of the prison.

4458. No doubt some part of the prison discipline may be for one purpose, and some for another purpose, but is not one of the objects of imprisonment the reformation of the prisoner?—No doubt it is one of the objects.

4459. Is not religious and moral and secular teaching part of the system necessary to the attainment of that object?—No doubt; I am quite willing to admit all that.

4460. What objection could there be in such a case to introduce the Conscience Clause into the prison discipline, any more than to its introduction outside the prison?—I am afraid, as I think I have said before to my right honourable friend opposite, that it would be very difficult to introduce the Conscience Clause, and when you had got it, it would not produce the object you had in view. The class of persons in prisons is totally different from the class you have to deal with in public schools of primary education.

4461. With repect to Divine worship upon Sundays, Mr. Collingridge was asked, "Would it be any interference with the ordinary rules of the prison, or entail the employment of additional warders, if there were Divine service for the Roman Catholic prisoners once on Sunday, at a different hour from the Protestant worship;" and his answer was, "I do not see why it should be any interference;" your Lordship does not concur in that view, I believe?—I am afraid that my knowledge and experience of prison management in these respects is greater than Mr. Collingridge's, and I foresee that there would of necessity be an interference which would involve trouble and expense. That is all that I have stated, but I am perfectly clear upon that point.

4462. That

4462. That report which the visiting justices made to the court involved, first, that the religious worship for the Roman Catholics should be at the same time as for the Protestants, and, secondly, that another room should be fitted up at an additional expense; those were the two things which your report took for granted. How was it absolutely necessary, supposing there to be religious worship upon the Sunday for the Catholics, as well as for the Protestants, in the prison, that it should be held at the same time?—I do not think the honourable Member quite gathered the effect of the report. It was either that such associated worship must be at the same time, or that it must be at a different time. If it was at the same time there were certain objections to it, and if it was at a different time there were certain other objections.

4463. But of course it did not follow that the Catholic religious worship should be at the same time as the Protestant?—If the religious worship for Roman Catholic prisoners was to be at the same time, then clearly you must have a second room; but if at different times, then there were other difficulties which were stated.

4464. What number of the court do the visiting justices form?—The court is composed, I suppose, of over 100 members; from 100 to 150.

4465. And how many are the visiting justices?—The visiting justices are nine.

4466. I thought your Lordship stated, in reply to the Right honourable Baronet, that the court did substantially act upon that report; do you think that the court is open now to consider the matter upon your report?—I think the court, as I stated, has decided substantially what it intends to do, and that Mr. Collingridge is fully aware of that decision by a letter which, in fact, was written to him upon the subject lately.

4467. What is the court inclined to do?—That involves simply a repetition of what I have already stated.

4468. Do you consider the court of quarter sessions open to consider the matter?—I consider the court of quarter sessions is always open to consider any matter. Of course it is competent to the court to resume the consideration of this or of any other question that may be proposed to it by any member of the court.

4469. You stated that you gave additional facilities to the Rev. Mr. Collingridge, and to his assistant?—That is so.

4470. One of those facilities was, that you said he could have Divine worship in a particular cell upon the Sunday?—No; Mr. Collingridge, as a matter of fact, has always had, as far as I am aware, power to celebrate the rites of his church in the cell of any Roman Catholic prisoner at any time. The increase in the facilities that we have given him has been, as I endeavoured to explain, of a different kind.

4471. But taking it for granted, as it is upon the Minutes already, that it is an obligation upon a Roman Catholic to attend the service of his church upon the Sunday where he can; and that that service (taking it further for granted) can be only once performed upon the Sunday, if you distribute that over 49 prisoners in different cells, they could only have service on the Sunday once a year each according to that arrangement?—I must really decline to reply to that question, there are so many assumptions in it, that I do not quite see how I can answer it.

4472. I will put it particularly; the service of the Mass, which it is obligatory upon Roman Catholics to attend, is performed by the Roman Catholic priest once upon the Sunday; consequently, if the priest is confined to a cell, that service can only be performed for one prisoner?—As a matter of fact, Mr. Collingridge has performed it for a great deal more than for one single prisoner in the day. I understand your argument to be, that each Roman Catholic prisoner now can only have the service performed for his benefit once in the course of 12 months.

4473. I am confining myself now to the service of Mass upon the Sunday, which is performed by the priest once; if he is to be confined to a single cell to perform it, only one prisoner upon the Sunday can have the advantage of that service?—All I can say in answer to that is, that at one of the great festivals lately, which must have been at Christmas, Mr. Collingridge communicated, I think, no less than from 15 to 20 prisoners in one morning.

4474. I am not talking of the Communion, I am talking of the Mass, which is a different service from the administration of the Communion to a communicant?—I am not in a position to enter into these details. We are getting into a field of religious questions.

4475. Assuming what I state to be the fact, he could communicate as many as would take the Communion even at different times, if that were the question; but taking it for granted that my question was that the service of the Mass is to be performed once upon the Sunday, and that the chaplain is to be confined to a single cell to perform it, and to see only one prisoner, does not it follow, arithmetically, that only one prisoner can have that service upon the Sunday?—Assuming all these assumptions, of course I must say yes, but at the same time I must beg entirely to hold myself free from all the inferences that may be drawn from it.

4476. Does not that render it more necessary to have Divine associated worship upon the Sunday for the Catholic prisoners?—I should not argue it myself entirely upon those grounds.

4477. Supposing it is a matter that the Catholic prisoners think obligatory upon them, ought not you to judge of it in relation to them and to its effects upon them?—I am afraid that I have given my answers to that question in other forms so very often, that it is hardly worth while to trouble the Committee with it again.

4478. The Catholic prisoners remain in the cells both on the week days, when prayers are said for the Protestant prisoners, and also on Sundays, when service is performed for the Protestant prisoners, do they not?—I believe that they are in their cells at those times.

4479. It has been stated to us by the chaplains, Mr. Collingridge and Mr. Nugent, of the Liverpool prison, that they consider this solitary confinement is a punishment even worse than the associated labour of the treadmill; do you coincide in that opinion?—If it is meant to say that a prisoner dreads this solitary confinement for one single quarter of an hour in the day during the time that the Protestants are in the chapel, more than he does the treadmill or any other form of prison punishment, I think there is some great mistake. I do not agree with that statement.

4480. Or upon the Sundays, during the hour and a half of the Divine worship of the Protestants?—I should think, looking to the class

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of prisoners, they would not be inclined to exchange the hours of confinement in their cell during the time of the Protestant service for an hour of the treadmill.

4481. Supposing that they felt it to be a relaxation to attend, do you not think that that would be an inducement to attend the Protestant worship upon the Sunday if they had not a service of their own?—No doubt; but if that was a strong inducement upon their minds they would declare themselves Protestants, and attend the service.

4482. Regarding the salary paid to this gentleman, you think that taking it upon the capitation principle, it is equivalent to the salary paid to the Protestant chaplain?—I said that there was no very great incongruity.

4483. There are 226 Church of England prisoners, and the salary of the chaplain is 300 *l.* a year?—I beg the honourable Member's pardon; when he says there are 226 members of the Church of England in the prison, I would remark that may have been taken upon a day which was favourable to the Roman Catholics, and which was exceptionally unfavourable to the Protestants. I think that the only evidence which is worth anything in such a case is an average; and I am quite satisfied that in this case the proportions of 226 to 49 are utterly unfounded as averages of the two denominations.

4484. Does your Lordship think that the average for the Church of England prisoners is higher than 226?—I should think the average is certainly higher than 226, and I am satisfied that the number of 49 for the Roman Catholics is very much above the average.

4485. The Rev. Mr. Collingridge has stated that his attendance upon the prioners has necessitated the employment of an assistant, and that he is paid by voluntary contributions?—That is very likely.

4486. Would that be any reason why a capitation tax should not be the principle upon which the salary ought to be fixed?—I must decline to give any opinion with reference to the principle upon which salaries are fixed; it is a large and a different question, and I would rather defer all answers to that upon the present occasion.

4487. Sir *John Trelawny.*] In the case of a regiment consisting of 800 men, 400 Catholics and 400 Protestants, you would be disposed to give equal advantages to both Catholics and Protestants, would you not?—Assuming that there were no special technical objections, with which I am not familiar, I should say upon broad grounds, that I should be desirous of giving equal advantages to each.

4488. Viscount *Enfield.*] Does your Lordship think that if the provisions of the Prison Ministers Act, many of which are only permissive at the present moment, were made compulsory, there would be any danger to the good management of county prisons generally?—I think that my private inclination would be rather to leave those provisions voluntary than to make them compulsory.

4489. Might I ask your Lordship why you arrive at that conclusion?—Everybody forms his opinion upon these matters more or less from his own personal observation and experience, and such observation and experience as I have had induce me to think that, upon the whole, the general spirit of the legislation has been fairly carried out; I have studied the working of prisons and of this particular branch of their administration in the Midland Counties, where these differences in the religious denominations of the prisoners are perhaps most apparent, and I have never seen, as far as I could make out, that there was any difficulty or any real injustice committed in those cases where the Roman Catholics formed a large and appreciable proportion of the prisoners. Where, upon the other hand, the numbers sink very much into the character of a fraction, in those cases it seems to me desirable to leave the matter to the good sense and the right feeling of the justices. I do not mean to say that, in occasional instances, the justices may not go wrong like everybody else, but, looking at things broadly, I should say that the Act has worked pretty fairly from what I myself have seen. Of course that is only from my own personal experience, and then I have only had the opportunity of judging from particular gaols.

4490. I think you will admit, from the mere fact of this Committee having been appointed by the House of Commons, that the Roman Catholics in England have some grievance upon the working of the Prison Ministers Act?—No doubt the appointment of this Committee implies that they think they have a grievance, and that the House of Commons was sufficiently satisfied upon that view to appoint a Committee of inquiry. The Committee will get whatever facts they can, and the more facts they can produce the better for everybody.

4491. Would it not remove the grievance if any action which was to be taken was, after due deliberation, made compulsory by Act of Parliament, and not left to the visiting justices, although they might act with the best and most liberal notions?—I have no very strong objections of principle to making the Act obligatory, provided that the practical objections which may crop up in the course of the discussion are not greater than the advantages which you hope to secure from compulsion.

4492. I think the practical objections would simply be with regard to making certain alterations as to the warders, and granting to the Roman Catholic chaplain a fair stipend for his services?—I hardly know how you could lay down principles in an Act of Parliament which should fix the stipend of the minister.

4493. You might take it upon a capitation grant?—Will you not have to take the same figures in all cases? If you had to deal with some of the large prisons, such as Liverpool, where you have 600 Roman Catholic prisoners, and you place the capitation grant at 1 *l.* per head the Roman Catholic priest would become entitled to 600 *l.* a year; whereas, if you put it at 10 *s.* a head, in Hampshire, for example, we should pay him 20 *l.* instead of 40 *l.*

4494. But I think I gather that, speaking from your experience, you would have no objection to see the Act made compulsory, instead of voluntary, as it is at present?—I would rather put it in this way, that I should entertain no objection to fairly considering and discussing the question.

4495. Mr. *Guest.*] Is it not the case that in the Hants county prison most of the Roman Catholic prisoners do not belong to the county proper?—Certainly. A very large majority of the Roman Catholic prisoners in our prison would have to be assigned to the army and navy, and

and to Irish tramps, many of whom are under very short sentences.

4496. Does not the county of Hants charge the expense of the maintenance of prisoners from the army and navy to the Government?—We get our Government quota, like everybody else.

4497. If I rightly understand you, the county is allowed to charge the expense of the maintenance of those prisoners to Government; and then you stated that if the Roman Catholic prisoners were allowed to have a service in the gaol it would be necessary to increase the staff; I want to ask you whether that would not be an inducement to the county to refuse the reception of those army and navy prisoners?—No, I think not; there are other considerations which come in.

4498. With regard to that portion of the evidence of Mr. Collingridge, in which he mentions the case of a certain Peter Crim, was that case brought under your notice as a visiting justice?—I saw that there had been a reference to it. I think the case came before me, but I have forgotten the details; at all events, they are not sufficiently fresh in my mind to enable me to speak about them.

4499. Mr. Collingridge published the whole of the correspondence between himself and the visiting justices?—That was a correspondence which passed between myself and my predecessor, Lord Henry Cholmondeley, many years ago. I will not say who was right or who was wrong; but I will only say that a good many of Mr. Collingridge's facts were impugned. But since then so great a change has taken place generally in the whole system of management, that it probably would not apply to anything which now exists.

4500. Mr. *Knatchbull-Hugessen.*] I think you told the Committee that your only reason against granting associated religious worship to the Roman Catholic prisoners, was upon the ground of increase of expense and possible confusion of the gaol arrangements?—What I meant to explain was, that the main and substantial objections, as it seemed to me, consisted in the expense of first providing a room; and, secondly, in the incidental expenses which would arise from an increase in the staff.

4501. Speaking of the grievances which the Roman Catholic prisoners allege themselves to feel, do you not think that if it were known to the Roman Catholic body that, in a prison similar to yours, such, for instance, as the Kent County Prison, associated worship for the Roman Catholic prisoners was permitted, without injuring the discipline of the prison, they might feel it a hardship that, in a prison such as yours, where there were a similar number of prisoners, no such arrangement was attempted to be made?—There are disciplines and disciplines, and that which is comparatively easy in one prison, is much less so in another. There has never been any indisposition on the part of the visiting justices in Hants to consider this matter. The difficulty on the whole of granting associated worship has seemed to them to be considerable; but they have referred the whole matter, as I stated to the Committee, very much to the court.

4502. If the discipline could be so regulated, and provisions inserted in the Act of Parliament which would ensure equal dealing with the Roman Catholic prisoners in all prisons, do you not think that that would be a public advantage?—Probably, if all the conditions which you have stated and implied were fulfilled. It would, of course, be satisfactory that anything which is a grievance in the mind of a very large and powerful body should be removed.

4503. And with regard to the ultimate reformation of prisoners, do you not think that that would be more likely to be effected in the case of prisoners of any denomination if they found themselves treated upon terms of equality with those of other denominations, while the contrary might be the case under the reverse circumstances?—I think that that is assuming too high a standard of thought and mind in the class of prisoners who come into our gaols.

4504. With regard to the difficulty which your Lordship stated about inserting provisions for the salary in the Act of Parliament, would it not be possible to get over that difficulty by inserting the minimum and maximum salary; to say that no more than a certain amount should be given if a certain number were confined in the prison, and that no less than a certain sum should be given for a certain larger number?—I merely stated that, as one of the objections which were lying, as it were, upon the surface.

4505. With regard to the books, you told the Committee that you had an average of 41 or 43 Roman Catholic prisoners in your prison; would it be impossible to appropriate a certain number of cells entirely to the Roman Catholic prisoners in which it should not be necessary to have the Protestant books placed?—It would be quite impossible under our system.

4506. Is there no separation in your prison between Protestant and Roman Catholic prisoners?—No local separation.

4507. I suppose you could not give the Committee the details of the arrangement which would render it impossible?—The different classes are allocated in certain adjoining cells and corridors, and we have always considered it to be a principle, which by the way, was indorsed most strongly by so high an authority as Sir Walter Crofton, and a principle of the very first moment, that that local classification should be preserved. With a system of classes and marks such as ours, if you strike out the element of local arrangement, you run, as I have found by experience, very great danger of confusion of all sorts and kinds.

4508. That is to say, to put it in few words, the classification being according to the length of time a prisoner has been in the prison, a religious classification would be impossible?—You would have cross divisions, which would be very inconvenient.

4509. I think I may take it, that according to the report which your Lordship read of the visiting justices, they have never specially recommended the court to grant the request of Father Collingridge about associated worship?—They have not.

4510. Is it probable that any court of quarter sessions would grant any such request if, having been previously preferred to the visiting justices, it was not recommended by them?—I am not prepared to say what would be the action of the court in such a case.

4511. Is it the habit of the court of quarter sessions in Hampshire generally to defer to the opinion of the visiting justices, and adopt the reports which they present from the gaol?—I have found them personally to myself extremely

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considerate, and disposed to accept any reasoning that I might offer; but I defeated my predecessor on a question of prison discipline, and carried the court with me, therefore I think it shows that the court does not always go with the visiting justices of the time.

4512. Do you think that, without the interference of Parliament, there is any probability of the prison authorities of your prison giving further concessions to the Roman Catholics?—I think that the court are disposed to give all concessions which seem to them reasonable in themselves, or that may be required by the lapse of time and the change of circumstances; and I have no reason whatever for thinking that they would refuse anything which seemed to them right.

4513. Do you think that the salary should be apportioned, rather with respect to the time the prison minister has to employ in the prison, than to the actual number of the prisoners of his persuasion who may be confined therein?—The two questions seem to run into one another very much. Of course if there are a very large number of Roman Catholic prisoners in the prison the time he ought to devote to them would be so much larger. It is difficult to lay down any abstract principle upon that subject; probably it will be fairest to adjust the salary with reference to the two considerations. Of course the difficulty is to lay down a rule uniformly for all gaols, which may vary very largely indeed in their individual details.

4514. We have been told very often in the course of the proceedings of this Committee, that the Roman Catholic prisoners require from their priest more special and frequent individual instruction than the Protestant prisoners?—I have heard that complaint made, but I have been at a loss to understand it. I do not see why one should require more instruction than the other.

4515. The Rev. Mr. Collingridge informed us that he believed that one reason why the justices had proposed that a salary should be given was, that they should be able to say that they had done so. I presume I may take it that that is not admitted by the justices?—I think it was a most unfounded assertion, and without one particle of justice in it.

4516. Viscount *Enfield.*] You stated that you had had a good deal of experience in the Midland Counties; what prisons did you refer to?—I must have misled my noble friend if I used those words; what I meant was, not that I had any experience in the administration of those prisons, but simply that it had been my practice to visit a great many prisons there, and to inquire into the manner and principles upon which they are administered.

4517. Not as a visiting justice?—Not as a visiting justice.

4518. Mr. *Fowler.*] Your knowledge as a visiting justice would be confined to Hants, would it not?—My knowledge would be confined to Hants.

4519. Mr. *Matthews.*] Have you fixed any number of prisoners in your mind as the number at which the privilege of associated worship might begin?—I am not prepared to name any actual figure.

The Rev. Charles Eyre, called in; and Examined.

Rev. *C. Eyre.*

4520. *Chairman.*] You reside in Wakefield, in Yorkshire, do you not?—I do.

4521. How long have you been connected with the prison in that town?—I was for about six months a substitute for the late Roman Catholic prison minister, and after that I was appointed in October 1869 to succeed the late chaplain.

4522. In what respect were you appointed?—As the prison minister.

4523. Is that the title you receive?—That is the title according to the Act of Parliament. I am sometimes addressed by that title, and at other times as the Roman Catholic chaplain.

4524. You were appointed in October 1869; by whom were you appointed?—By the board of quarter sessions, in October 1869.

4525. What is the average number of Catholic prisoners in that gaol?—I believe the average number at present would be about 250. According to the last returns sent up to Parliament in July, there were 328, but the number fluctuates very much; sometimes 20 or 30, or 40 prisoners, Catholics and Protestants, go in or leave the prison in one day.

4526. Do you happen to receive prisoners from other districts and gaols?—Not from other gaols, except the lock-ups of the towns; this is the West Riding House of Correction.

4527. Have you had any from Middlesex?—Yes, we have had some; about 240, I think. Some of them have left; 75 left a short time ago for Hull, and others are to leave as their time finishes.

4528. What are the hours that you attend on week days and Sundays, and what is the nature of your duties on those days?—On week days I have service from eight to nine o'clock, counting the time the prisoners take to go into the chapel and to leave it.

4529. What do you mean by service?—The service consists of morning prayers and a chapter from the Bible to begin with, and religious instruction and exhortation during the rest of the time.

4530. Is that in the chapel?—Yes.

4531. What chapel is that; is that specially the Catholic chapel, or is it common to both denominations?—It is the chapel that is used by the Protestant female prisoners, and by the male and female Catholic prisoners.

4532. The women are, of course, in a different part of the building?—The women are in a gallery at the end of the chapel.

4533. You do not live in the prison, do you?—I do not. I have a list of the prisoners under punishment given to me every day, and I visit them first, and then I visit the hospitals, and then others who are very ignorant about their religion, who, perhaps, do not know a prayer or have any idea of God; or, in fact, any idea at all with regard to religious matters.

4534. Do you visit those prisoners in their cells?—Yes; I have keys of the cells of the large prison; there are four prisons altogether.

4535. You have free access to the Catholic prisoners, have you not?—Yes, free access; I go whenever I like.

4536. You have free access to those prisoners whether they are under punishment or otherwise?—Yes, at any time of the day.

4537. What

4537. What duties do you perform on Sundays?—On Sundays we have Divine service for an hour and a half.

4538. Have you a second service on Sundays?—No, we have only one service.

4539. Is there only one Protestant service upon the Sunday?—That is all; I omitted to state that, during the week, we have a service for the Catholics just the same length of time as for the Protestants. The prisoners have morning prayers or religious service, whatever we may call it, in the morning every other day, in this way, that one day the women and part of the men attend, and the other day the men in another prison; that is, speaking of the Catholics.

4540. Then there is no inequality between the service of the Catholics and of the Protestants on week days?—None whatever.

4541. In that respect there is perfect fairness shown to you?—Yes.

4542. You spoke with reference to the ignorance of the prisoners; will you just say what class they are composed of?—They are principally of the poor labouring class, men who have never any fixed abode; they work sometimes in one town and sometimes in another.

4543. I believe the town of Wakefield contributes very few prisoners to the gaol?—Very few.

4544. You visit the prisoners under punishment not only in the ordinary cells but in the dark cells, do you not?—Yes.

4545. Is the visit of the Catholic clergyman of importance to a man who is under confinement in a dark cell?—Yes; because the state of the man's mind at that time is disturbed. Very often the punishment has such an effect upon him (sometimes being confined with what we call the sleeves, namely, a jacket with the sleeves strapped in), that it is found necessary to give notice to the chaplain and to the doctor of the punishment which is inflicted upon him for some prison offence.

4546. For serious prison offences, a man is confined in a dark cell, is he not?—He is.

4547. And is he in such a state of mind generally, when suffering from that punishment, that the visit of the clergyman is of very great importance to him?—Yes, it is of very great importance to the prisoner; and the priest is expected frequently to visit such prisoners under that punishment.

4548. You have stated that there is one Protestant service upon the Sunday, and one Catholic service; supposing there was only a Protestant service, and no Catholic service, do you think from your knowledge of Catholic prisoners that they would be inclined to attend the Protestant service?—Yes, I think so; because the solitude during the Sunday, when they are not able to work, is so oppressive, especially for those who are not able to read, that it would be a great temptation to them, and a great inducement to attend.

4549. Is it not a serious obligation upon Catholics outside the prison, to attend religious worship upon the Sunday?—Certainly, a most serious obligation.

4550. And is it not one which, as a rule, is observed by nearly all persons within the pale of the church?—Yes, all those who really observe the laws of the church.

4551. Is it an obligation?—It is one of the strictest obligations.

4552. It is one of the strictest obligations imposed upon a Catholic?—It is.

4553. And one which he cannot ignore, unless he ceases practically to be a member of the church?—That is so.

4554. Do you think then that the deprivation of the facility of attending his worship on the Sunday is a very serious grievance to a Catholic?—Yes, a very serious grievance.

4555. Are you on very good terms with all the officers of the prison?—Upon most excellent terms.

4556. With the chaplains?—With the chaplains we work harmoniously together, and assist each other.

4557. And never interfere with each other's duty?—Never; I do not see that any interference can be complained of, and there is no difficulty in avoiding any interference.

4558. In fact none exists; there is the most perfect harmony between you and all the other officers of the prison?—Yes.

4559. Is the fact that you are a recognised officer of the prison, of great use to you in your ministrations?—I should say that it is of very great use, because if it were otherwise, it might render my work with the prisoners somewhat difficult; as an example, if a Catholic prisoner, when he asked to see me, were to receive a sneering answer, or anything of that kind, it would deter him from asking again.

4560. Supposing there was no regular chaplain, and supposing the prisoners had only the right to see the clergyman when they specially asked for him; do you think that they might be deterred from making such application by the manner and tone of the officer?—Yes, I think so.

4561. Whereas, on the other hand, when the Roman Catholic chaplain is a regular officer of the prison he has a right to see them, and there is no interference whatever?—Having power from the magistrates, from his position to see the prisoners according to the regulations of the prison, the officers and others have simply got to obey, and they never attempt to make any difficulty at all.

4562. You have no complaint whatever to make, either of the officers or magistrates, or chaplains, or any persons connected with the prison?—I have had no complaint at all to make since I have been in the prison.

4563. What is the salary you receive?—£.150.

4564. Do you think, from your own experience, that there is a fair proportion of the prisoners open to religious influence, and therefore susceptible of improvement?—Yes; I should think that there are about two-thirds of them. Of course there is a certain number whom it is impossible to reform.

4565. Has it come to your knowledge that men who have been in prison have been improved in consequence of a Catholic clergyman being there?—We have had very many examples of such men who have been frequently in prison before, and who have certainly not come back again, but who have changed their course of life from the advice and direction which they have received in prison.

4566. From the fact of their not having come back again, you regard that as a sign of improvement?—Some, I know, have been improved by it; and, with regard to the others that I do not see again, I conclude they are doing better.

Rev. *C. Eyre.*

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4567. Did you ever know of a Dissenter objecting, in any way, to receiving the visits of a Protestant clergyman, or to going to the Church-of-England worship?—I never heard of such a case amongst prisoners, because I never speak to the Protestant prisoners; but the feeling I observe outside the prison is, that it makes little or no difference.

4568. In that respect they differ altogether from the Catholics, do they not?—Perfectly.

4569. There can be no analogy drawn between them in that respect?—Not the slightest.

4570. A Catholic cannot, I may say, without practical apostacy, go to the worship of another faith?—Certainly not.

4571. Whereas a Dissenter may be married in an Established Church and attend the Church of England worship without any sacrifice of principle?—That is so.

4572. Mr. *Matthews.*] Did I then rightly understand you to say that you had free access to all the cells with a key of your own?—In the new prison, where about 800 prisoners are kept, I have the key of the cells; but of the women's prison, and of another prison called the E prison, where the men work out in the various mat making and other occupations, I have not the key. I might have one if I asked for one.

4573. In that prison, where you have the key of the cells, do you see the prisoners without the presence of a warder?—Yes, I go in and out whenever I like.

4574. And you have heard no complaints from the visiting justices of any inconvenience?—Not the least.

4575. Mr. *Fowler.*] Is your time exclusively taken up with your duties to the prison?—Exclusively.

4576. You have no other charge?—I have no other charge; I may help or do a little to assist others, but that is merely voluntary work.

4577. That is your sole duty there?—That is so.

Monday, 16*th May* 1870.

MEMBERS PRESENT:

Mr. Dalrymple.
Mr. Dimsdale.
Mr. Downing.
Lord Enfield.
Mr. Guest.
Mr. Knatchbull-Hugessen.
Lord Henley.
Mr. Maguire.
Mr. O'Reilly.
Mr. Synan.
Mr. Talbot.
Sir John Trelawny.
Mr. Walpole.

JOHN FRANCIS MAGUIRE, Esq., IN THE CHAIR.

Captain JAMES ANTHONY GARDNER, called in; and Examined.

Captain *J. A. Gardner.*

16 May 1870.

4578. *Chairman.*] WHAT position do you hold in Bristol?—I am Governor of the common gaol for the City and County of Bristol.

4579. There are two gaols in Bristol, are there not?—There is the Bridewell and mine, which is the gaol for the City and County of Bristol.

4580. How long have you been governor of that gaol?—For the last 32 years.

4581. What is the number of Catholic prisoners at this moment in the gaol?—Six.

4582. What has been the number for the last 12 months?—We have seldom had more than three or four.

4583. Have you ever had a larger number than six Catholic prisoners?—I do not think I have; I have looked particularly at the register, which I have with me now.

4584. You have never had more than six at a time?—I should not like to say that we have not, but I believe we have not had more than three or four usually.

4585. Under what circumstances does the Catholic clergyman visit your prison?—Whenever he is sent for at the request of a prisoner.

4586. You do not allow him to visit at any other time?—We should not refuse him if he came.

4587. What is the rule?—According to the rule, the Catholic ministers must be permitted.

4588. Do you mean that they must be permitted by the justices?—They must be permitted under the 47th Rule of the Prisons Act.

4589. You mean that they must be recognised by permission to come to the prison?—Exactly so. I have the rule, which is as follows: "If any prisoner is of a religious persuasion differing from that of the Established Church, and no minister has been appointed to attend at the prison on prisoners of that persuasion, the visiting justices shall permit a minister of such persuasion, to be approved of by them, to visit such prisoner, at proper and reasonable times, under such restrictions as may be imposed by the visiting justices, to guard against the introduction of improper persons, and prevent improper communications, unless such prisoner expressly objects to see such minister."

4590. Do you read that as meaning on the special application of a prisoner?—No; I should admit the Roman Catholic priest without his being "permitted," but I should take the advice of the visiting justices if it occurred frequently for any length of time.

4591. Did you ever tell the Catholic clergyman that he would be allowed to visit the gaol at other times than when he was specially sent for?—No.

4592. Why did you not inform him that he might attend if you thought that the clergyman might be permitted to visit the gaol at other times than when he was sent for?—I did not consider it to be my duty to do so; many other Roman Catholic clergymen have been admitted from time to time without any trouble, and if Mr. Myers had come to me 20 times following, he would have been admitted.

4593. Has any other Roman Catholic clergyman visited the prison during the time that Mr. Myers has been there?—Yes, several have; I think four.

4594. Has that been so of late?—Not of late years.

4595. Of late years Mr. Myers has been the clergyman who has visited the prison, has he not?—He has come either three or four times to the gaol in four years, but I would add, that he never visited a prisoner a second time. He might have come in as often as he liked to see one prisoner.

4596. Do you mean that he was never sent for twice?—We never sent for him twice for the same prisoner, but he could come as often as he liked.

4597. Did you inform him that after he had come to see a prisoner he might come afterwards as often as he liked?—No; I did not think that it was my duty; we thought that when he had seen a prisoner once he would consider that prisoner as being handed over to him; and I may say that it was a disappointment to us that he did not come oftener.

4598. Did you inform Mr. Myers that he had permission to visit a second or a third time without special invitation?—We did not.

4599. Do you think it is possible that he might not have known that he had that permission when he had no such intimation made to him?—I should have thought myself that he must have known it from the fact of his having been sent for once.

4600. Might not you reason thus, that from the fact of his having been sent for once, and not having gone a second time to see the prisoner, he might be under the idea that he had no right or privilege to go when he pleased?—I should have thought he must have known that he would have been admitted.

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4601. But was any intimation given to him that he had the power of making a second visit?—No; we do not speak to our chaplain in that sort of way; we have an idea that every one ought to know the rules of the gaol, and that when he had been there once he might come as often as he liked.

4602. Of course you do not recognise Mr. Myers as the chaplain?—We do not.

4603. Is there any rule authorising a Catholic priest to make a second visit, although he has not been specially sent for?—There is no rule at all with reference to that.

4604. Then how is it that you imagined that the Catholic priest ought to know the rule if the rule did not exist?—I should expect that if I sent once for a surgeon when I was ill, he ought to continue to visit me until I was well.

4605. Do you think there is any analogy between the case of a surgeon visiting a patient and the case of a Catholic priest visiting a prisoner?—I should think that Mr. Myers must have known that he could visit the prison more frequently.

4606. I think you stated to the Committee that there are six Catholic prisoners in the gaol at the present moment?—There are.

4607. How many Protestant prisoners are there?—We may have at the present time about 122.

4608. How many Dissenters have you, or do the Dissenters enter as Protestants?—The greater proportion of the prisoners, about nine-tenths, are Church of England prisoners; there is no doubt about it.

4609. Do the Dissenters generally enter themselves as Dissenters, or as members of the Church of England?—As Dissenters, whatever they may be. This is their book (*producing the same*); the Roman Catholics are marked in red ink.

4610. Now with reference to the Dissenters; first of all, what service have you on Sunday?—We have two services, one for males and the other for females.

4611. Is that service attended by the Dissenters?—Yes it is.

4612. Have they any objection to go to the Protestant service?—None.

4613. Do they ever express any objection?—I never knew of an objection being expressed.

4614. Do they ever object to receive the visits of a Protestant clergyman?—The Dissenters have never made the slightest objection.

4615. Do the Dissenters attend regularly as a matter of course upon the Sunday?—They do.

4616. Have they ever asked for a clergyman of their own persuasion?—They have upon one or two occasions.

4617. Then it is very rarely that they have asked for a clergyman of their own persuasion?—They have done so.

4618. What course have you taken in consequence of that application?—I have sent for a minister of that persuasion.

4619. Did they persevere in requesting the services of that clergyman?—No.

4620. Then I may take it that with these very rare exceptions, the Dissenters are quite content with the ministrations of the Protestant clergyman, and are quite content to go to the Protestant service upon the Sunday?—They are.

4621. With reference to the Catholic prisoners, do they attend the Protestant service on Sunday?—Some of them do, and some of them do not.

4622. Will you tell the Committee what proportion of those six Catholic prisoners that are now in the gaol do?—There are four, I think, who do not attend the service.

4623. And two who do?—I am not quite sure about that; I have only brought up the return out of two wards, to show you the impossibility of Roman Catholic prisoners being forced to attend our chapel against their inclination.

4624. Do they go voluntarily?—They do; there is one man named John Lloyd, an untried prisoner, who is reported as absent from chapel, because he is a Roman Catholic. There is another in the No. 9 Ward, who is reported as being at chapel.

4625. The fact is that a certain number go to chapel, and a certain number do not go to chapel?—That is so.

4626. Has it been the case with the Catholic prisoners during the last half dozen years that a certain number have gone and a certain number have not?—Yes, I should say that the greater number have gone, even after our telling them that they could see a priest of their own persuasion. One of those prisoners is in the gaol at the present time.

4627. Where are those Catholic prisoners who do not attend service upon the Sunday, while the service is going on?—They are in their cells, with a warder in the corridor, as though the whole prison was locked up; they are in the cells with their own books.

4628. What did you mean by saying that you told them that they could see their own clergyman if they did not wish to go to the Protestant service; will you apply your observations to the Sunday?—There is a man in the gaol at the present time for three months; I have known him for a very long time, as he has been in the gaol before, and a fortnight or three weeks ago (before I knew about this evidence) I asked him whether he would not prefer to see the priest, and he said, "No; I am perfectly willing to go to the chapel; I have entered myself as a Roman Catholic, and perhaps I am one, but I do not care where I go to."

4629. If you had had Catholic worship in the gaol, do you think he would have gone to it?—Not that one man.

4630. Do you give him as a typical case, or as an exceptional case?—I give him as an exceptional case, but there is another man at the present time whose case I can mention.

4631. Did Lloyd know that there was no Catholic service upon the Sunday?—He knew it perfectly well.

4632. What did you mean by telling him that he could see a Catholic clergyman; when could he have seen him?—Whenever he thought proper; I am not bound to tell a prisoner that, but I do so for their advantage; I have put words into their mouths and have told them that they could see the Catholic priest if they wished, but they have not accepted him.

4633. Is it permitted to the Catholic clergyman to hold worship on the Sunday in your gaol?—I should not allow him to do so unless the magistrates sanctioned it.

4634. At any rate the magistrates do not sanction it?—They have never been asked to do so.

4635. From your knowledge of the magistrates do

do you think if that application were made, it would be assented to?—Certainly I do.

4636. You think that if there is any application made in future, there will be no difficulty in getting it acceded to?—I think with our magistrates you would find there was no difficulty; that is my opinion, and I venture to express it; I am certain of that from their always having done all they could to further the views of one person and another; I know they would not object to anything of the sort.

4637. To what statements in the evidence before the Committee do you object?—I object to nearly the whole of the evidence of the Rev. Mr. Myers.

4638. He is the clergyman who has attended the gaol for some time past?—Yes.

4639. Will you state to the Committee your objections to his evidence, taking them one by one?—My first objection is to his answer to Question 2929. In the first place, Mr. Myers has confounded the Bristol bridewell with the common gaol of the city and county of Bristol; therefore, I will put the matter right by saying that the gaol referred to is not the city bridewell, but the common gaol and house of correction for the city and county of Bristol, of which I am the governor, and have been for the last 32 years. That error, no doubt, arises from the fact that in the official return the names of the two prisons are misplaced, the figures under the head of "City Bridewell" referring to the "House of Correction," and *vice versâ*. My next objection is to his answer to Question 2940.

4640. The witness is asked "Is it" (that is, the creed register) "furnished to you when you go to the prison;" and the answer is "No;" what do you say as to that?—My clerk offered to furnish any information, but refused access to the register, the Rev. Mr. Myers not being an officially appointed or permanent visitor to the gaol; that is my answer to that.

4641. At any rate, Mr. Myers was not furnished with a list?—No, he was not.

4642. What is your next objection? — My next objection is to his answer to Question 2941.

4643. He is asked, "Do you think, by law, that you, as the permitted priest, ought to see it;" he says, "I did not think so;" what objection do you make to that?—Mr. Myers was not entitled to see the register according to Rule 47 of the Prisons Act.

4644. Mr. *O'Reilly.*] You seem to agree with him in that view?—He was never permitted or appointed, or we should have been only too pleased to allow him to see the list.

4645. *Chairman.*] What is your next point?—Question 2942. The question is, "First let me ask you, does any Catholic clergyman ever visit the prisoners in the gaol;" and he says "No." I say that other Roman Catholic clergymen have done so.

4646. Since when?—For years past.

4647. Within the last three years have other clergymen attended the prison?—Yes.

4648. Have they done so within the last 2½ years?—I could not tell the Committee that. If you will permit me, I will read this statement that I have prepared, and you will be satisfied, I think, upon that point. I know we have had three or four Catholic clergymen visiting the gaol, but I could not say when the last occasion was; it is not so very long ago.

4649. Have they visited within the last two years?—I should say not.

4650. What is the next point that you object to?—In Question 2943, Mr. Myers is asked, "So that, in the case of a prisoner requiring the assistance of a clergyman, you are the Catholic priest sent for?" the answer is, "Yes, the prison comes within my district by arrangement made between the Catholic clergymen. When I took the district I wrote to the governor of the prison, requesting that if there were any sick calls to the prison, he would address them to the Rev. F. Myers, St. Joseph's."

4651. Have you any reason to deny the accuracy of that statement?—I deny ever having received any letter from him in my life; certainly I have not. If I had received such a letter I should have sent a reply, and the reverend gentleman would have had it.

4652. Is it not possible that the reverend gentleman might have sent the letter, imagining that it would reach your hands, and it did not?—It would certainly reach my hands if it came to the gaol, and if it had miscarried it would have been returned to him through the post.

4653. Is it not possible that the letter might have miscarried altogether?—At any rate I never heard of it, and I have not had the letter.

4654. Have you any reason to say that that gentleman stated that which was not the fact?—I should be very sorry to accuse any gentleman of doing so.

4655. You simply say that you did not receive the letter?—I did not receive the letter. I never saw his handwriting.

4656. Mr. *Knatchbull-Hugessen.*] Have you ever, when a prisoner wished to see a Catholic clergyman, addressed a letter to Mr. Myers?—My clerk has.

4657. Why did he address it to Mr. Myers?—Because he is the nearest clergyman. We have written to other clergymen and brought them to the gaol.

4658. Had not your clerk some communication, on your behalf, with the Rev. Mr. Myers, which caused him to address those letters to him?—None at all.

4659. *Chairman.*] Will you state your next objection?—It occurs at Question 2944. Mr. Myers is asked: "Do you think that that" (the 4th Section of the Prisons Act) "would confer the right upon you (you being the clergyman permitted to visit that prison) to obtain from the authorities of the prison a list of the prisoners of your denomination;" and the answer is, "I suppose so, but I did not read it in that way; I did not understand that so." As regards that, I should say that I offered to furnish Mr. Myers with a list of the Roman Catholic prisoners, but have never considered him as officially appointed to visit the prison.

4660. Mr. *O'Reilly.*] What part of Mr. Myers' answer do you object to; do you deny that he did not read it in the way he states?—I certainly offered to furnish him with a list of the Roman Catholic prisoners.

4661. *Chairman.*] Did you say that your clerk did not give it him?—The clerk did not.

4662. You afterwards did it?—We did not give him a list; we offered him one, but he has never called for it.

4663. What is your next objection?—To No. 2947.

4664. This is the case of visiting a man named Dwyer.

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Dwyer. Mr. Myers is asked: "Would you tell the Committee the circumstances under which you visited that man. The answer is: "The mother came to me and told me that her son was dying of typhus fever, and that she had been sent for, and that she had asked for a priest to be sent for;" what objection do you make to that? —Directly it was ascertained that the prisoner was in a dangerous state, and suffering from gastric (not typhus) fever, his mother was sent for to visit him, and the Rev. Mr. Myers was also written to the same evening.

4665. Have you a copy of that letter?—No; we do not keep copies of such letters.

4666. It was the same evening that you found he was in a dangerous condition?—Yes.

4667. The answer to 2948 is: "The mother is a Catholic. Then the day after that I received a notice from the clerk, requesting me to go to the gaol and visit the prisoner, Thomas Dwyer. I went the same day that I received the letter, and I found the prisoner in the infirmary; he was delirious; he could make no recognition whatever; he could not speak a word, so that I could do nothing whatever for him;" do you agree with that?— That is correct. On the 17th of September the prisoner complained of debility, and was removed to the infirmary, not being considered sufficiently unwell to require removal before. He died of gastric fever on the 26th of September 1867.

4668. Is it the fact that he was delirious when the clergyman came to him?—Yes, and when the mother was there.

4669. Was it the fact that the clergyman came, as he says, upon the day that that letter was written to him by the clerk?—Yes; the delirium came on so very suddenly.

4670. But is it the fact that the case was serious before the delirium supervened?—No.

4671. Would you tell the Committee when he was first taken ill?—I have the surgeon's journal here; it appears that he was committed on 13th February 1867; he was a summary convict; he was removed to the infirmary on the 17th of September, and died on the 26th September 1867.

4672. You say that the prisoner was taken ill on the 17th of the month?—No, I do not know when he was taken ill; this is merely a register of when he was committed, and the day of his death.

4673. Do you know what day the priest visited him, and when the man died afterwards?—This is an extract from our chaplain's journal, under the date of Tuesday, 24th September: "Dwyer in the infirmary, still unconscious, and visited yesterday by desire of his friends by the Roman Catholic priest."

4674. That was on the Tuesday when he was unconscious?—He was. It says that he was "visited yesterday;" that entry was made on the 24th, so that he must have been visited on the 23rd.

4675. He was delirious on the Monday?—Yes.

4676. And unconscious on the 24th?—Yes.

4677. Why was not the clergyman sent for on the 22nd?—The 22nd was on the Sunday; Mr. Myers says that he visited him on the Saturday, but this entry shows that he did not visit him until the Monday.

4678. Why did he visit him upon the Saturday, as he says he did in his evidence; had he been invited to visit him on the Saturday?—He did not visit him upon the Saturday; the date of his visit was Monday, 23rd September 1867; he did not come to see him again; Dwyer died on Thursday, 26th September 1867.

4679. Was he not delirious when Mr. Myers called upon the Monday?—Quite so.

4680. That was when he was sent for?—Yes.

4681. Have you anything more to say in reference to the case of Dwyer?—Nothing more than this, I have said first of all, that the Roman Catholic prisoners know that they may see a minister of their own persuasion if they wish. I had many conversations with Dwyer between the 13th February, the date of his committal, and 26th September, the day on which he died, during which period he never made any request to be visited by a Roman Catholic priest. The prisoner was delirious when his mother visited him, and was consequently unable to do or say as was described by the mother to the Rev. Mr. Myers.

4682. What occurrence are you referring to?—That which Mr. Myers describes in 2950; he says, that when the mother went into the prisoner's room, he sat up in bed and clasped her round the neck, and said, "Oh mother, why did you not send for the priest?" The chief warder, who was present at the time of the visit, states that nothing of the kind occurred. Then again, I may say that I never saw the mother until after the prisoner's death, and consequently could not have made use of the expression, "Very well, woman, you shall have what you wish." It is an expression that was never made use of by me. I should never speak like that to any one. The day after the prisoner's death, the mother being a poor woman, I gave her 2 *l.* 2 *s.* towards defraying the funeral expenses. I just state that, because it is the fact, and the Rev. Mr. Myers knew it.

4683. Was Dwyer one of those who attended the Protestant service on the Sunday?—Never.

4684. What is your next point?—Question 2951 is, "Was it the governor or a warder who said that?" And the answer is, "The governor was present." I have only to say that I was not present.

4685. You recognise the fact that the clergyman merely states what the mother told him?—I quite understand that. My next point is, with regard to the case of Mary Sullivan, commencing at 2956. The person referred to as "Mary Sullivan" was Mary Hennesey, and not Mary Sullivan at all. She was committed on 3rd, January 1868, in a bad state of health, suffering from complicated liver disease. She signed the usual paper (which I have in my possession), declaring her persuasion to be that of a Baptist; but, thinking it possible from her having given an Irish name, and being quite a stranger to us, that she might have told a story as to her religion, as the Rev. F. Myers happened to be on the premises, I requested him to visit her, merely to ascertain whether she was a Roman Catholic or not. Mr. Myers did so, and we were afterwards thoroughly convinced that she had entered her persuasion correctly, from the fact of her saying that she was not a Roman Catholic, and refusing to see the priest again. She said, "I have entered my name as a Baptist and I am a Baptist, and I refuse to see the Catholic priest again." I told Mr. Myers that before he left the prison. In addition to that,

that, I would say that I believe she was certainly a Baptist, and I have her name here registered as a Baptist on the day of her admission. Mr. Myers' evidence says that she died while he was on the premises. She did not die until 10 o'clock at night, and it was between two and three when Mr. Myers was speaking to me upon the premises.

4686. You are speaking of a person named Mary Hennesey, and Mr. Myers was speaking of a person named Mary Sullivan?—Mr. Myers has made a mistake there, just the same as he did about the gaol and the bridewell.

4687. Mr. *Knatchbull-Hugessen.*] Did she ever recover consciousness after Mr. Myers saw her?—Yes; up to within a few minutes of her death. I saw that myself.

4688. And she stated that she was a Baptist?—She did.

4689. Did you ever tell Mr. Myers that this woman, whatever her name was, was dead?—I did not.

4690. You had no conversation with him about it?—No; it did not concern him, as she was not a Roman Catholic. I have only seen him once since, to speak to.

4691. You are perfectly certain that it is the same woman, only that the name was wrongly given by Mr. Myers?—I am quite certain it is the same.

4692. *Chairman.*] What is your next point?—I object to No. 2958; the Witness is asked: "Is it the fact that when you did see any prisoners who were dangerously ill, they were actually in their last moments?" and the answer is, "This is just an example." Now, I say that I am not aware of other cases of which this might be taken as an example. The boy Morse, whom the Rev. Mr. Myers on this occasion came specially to visit at the request of the boy's mother, was in perfect health, and was a Wesleyan, and his father was also a Wesleyan.

4693. The clergyman did not say that he saw him or gave him any instruction?—No, the boy refused to see him. His mother called, I think, upon the Catholic clergyman and requested him to go and visit her son; upon which I asked the boy, knowing that he was a Wesleyan, whether he would like to see the Roman Catholic priest, and he declared that he would not see him.

4694. But there is nothing in the evidence of Mr. Myers to show that he treated him as one of his persuasion?—No; but Mr. Myers said that I never sent for him to visit a prisoner, except in the last stage of life, while, during the whole time that he has visited the gaol we have only had one death, and this boy he alludes to is alive now. We have only had three deaths amongst the Roman Catholics during the last 22 years.

4695. The woman Hennesey was not conscious during the time when Mr. Myers was there, was she?—She certainly was up to within five or ten minutes of her death.

4696. Did she speak to him?—Yes, at any rate I presume she did; I was not present, but she spoke to me afterwards.

4697. The clergyman says in his evidence that she was unable to speak; she did not speak to him it appears?—Perhaps it was that she was a Baptist, and therefore declined to speak to him.

4698. You said she did speak to him?—I presumed she did, because she spoke to me afterwards.

4699. The clergyman says that she did not?—Then I could not say she did.

4700. She was in her last moments, was she not?—Yes, but she was not a Roman Catholic; so we did not send for the priest on her account.

4701. Was there anybody in the gaol who imagined that she was a Roman Catholic?—No one but myself.

4702. Did you tell him what you thought this woman was?—I told him that she had given an Irish name, and that I had reason to disbelieve her statements; and in order to further her views, if she was a Roman Catholic, I thought I would take the opportunity of sending for Mr. Myers. Then, with regard to the statement made in 2959, I should remark that the prisoner Hennesey did not die whilst Mr. Myers was on the premises, but was able to tell the warder, after he left the cell and before he left the prison (I remember the warder running down to tell me while I was speaking to the clergyman) that she was not a Roman Catholic, and did not wish to see the priest. I find that she was visited by the surgeon at eight o'clock in the evening, and died two hours after that, which would be about eight hours after Mr. Myers had left.

4703. Mr. Myers said that the woman was unconscious, and that she could not speak to him?—He may have thought that she was unconscious, from the fact of her not wishing to speak to him on account of her being a Baptist; but I saw her after that; we did not think it likely that she would die that night.

4704. Supposing the woman was conscious, and did not speak to the clergyman when she was in her last moments, is not the answer he gave quite consistent with facts?—No; she was a Baptist, and I had no right to send him up to her; I will take the blame upon myself for having done so; but she was not a Roman Catholic, and Mr. Myers ought not to have mentioned her death at all. The only Roman Catholic who has died since he has been at the prison was the boy "Dwyer;" we had only had two deaths in the 22 years before.

4705. This woman Hennesey died?—But she was not a Roman Catholic.

4706. But he visited her?—But according to his account she did not speak to him; and I am certain of this, that whilst Mr. Myers and myself were talking together, between No. 9 and the lodge gates, a female warder ran down, and said "The prisoner Hennesey protests that she is a Baptist, and declares that she will not see the priest again." I went up to her, and she was very angry indeed; but I said "Never mind, we have erred upon the right side."

4707. Was that communication made to Mr. Myers?—No; I found I had committed an error, and I said I would not do it again.

4708. You told the clergyman that this woman was a Catholic, did you not?—No, I told him I thought so.

4709. He thought she was, did he not?—No; it was merely her name that caused me to suspect it. We have never found out the names of her relations, or where she came from.

4710. What do you wish to refer to next?—To Question 2960.

4711. That is, "Did you ever make any application to the authorities in any way to be allowed to visit the prisoner without being specially sent for?" and the answer is, "No formal application; it would not be fair to say that I have ever made a formal application." And then, in answer to

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Question 2961, he says, "I will tell the Committee what I have done, seeing that my visiting these prisoners was so precarious, and that they might die without having the last rites of the Church, I had a conversation with Mr. Gardner, the governor, and I said, 'You never send to me except to see dead or dying prisoners;' and I said, 'Would it not be better to have me appointed chaplain by the visiting justices?' and he said 'No:' I said 'Why not?' and he said, 'There are not a sufficient number of Catholics to warrant a Catholic priest being appointed, and if the matter was brought before the justices they would never consent to it; and secondly, there is no need of it; you shall see the prisoners whenever you choose; when you come here you shall see them all;'" what remark have you to make with regard to that?—In answer to that I can say this: I recollect Mr. Myers asking if the visiting justices would appoint him to visit the prison, not as the appointed chaplain, but merely as the visiting priest; to which I replied that I could not answer that question; but I have been asked a similar question since I have been in this room, and I say that I do not think that the magistrates would object to his appointment.

4712. They would not object now?—I do not think that they would have objected to it at that time, from what I have found since.

4713. You do not think that they would object to the Roman Catholic prisoners having a service upon the Sunday?—I do not think they would object. Our visiting justices are very kindly disposed towards them. Mr. Myers did not say to me, "You never send for me except to see dead or dying prisoners;" he never made use of such an expression; and I would add that he was always too courteous to express himself in such a way. In his answer to Question 3127 he contradicts himself.

4714. Do you accurately remember every word of the conversations which have occurred between you?—I have only seen Mr. Myers three times in my life to speak to. I will venture to say that, during that time our conversation did not last five minutes altogether.

4715. Will you venture to say that you would bear in your mind every item of a conversation that lasted even as short a time as three or four minutes?—I should, because I have been always very particular as to what I have said to him.

4716. You have referred to Question 3171; Mr. Myers is there asked, "Were any of those 14 prisoners persons in health, or were they all persons in whose cases you were sent for on account of sickness?" and the answer is, "There were only two on account of sickness"?—If that was so, then how could they have been all in the last stage of life; and one of those, even, was not a Roman Catholic?

4717. As I understand, Mr. Myers means that, in cases of that kind, you send when the prisoners are in an extreme condition?—Directly a prisoner wishes to see a Roman Catholic priest a letter is sent the very same day.

4718. Would you not take it that the Rev. Mr. Myers referred to sick persons when he made that statement to you, and not to persons in health?—But we have only had one Roman Catholic prisoner sick, and that one died; therefore he must have seen many others who were not sick.

4719. But if his observation merely referred to sick people, was not he right when he said that he was only sent for to see persons in that condition?—No, because only one of them was sick, and the other was not a Roman Catholic at all.

4720. What is the next matter to which you wish to refer?—In answer to Question 2962, Mr. Myers says: "I said, 'How am I to know who the Catholic prisoners are?' and he said, 'That is your matter. I am not allowed to let you look at the list; but,' he said, 'I will tell you what I will do; I will give authority to my clerk to copy out the names for you, so that when you come again he will give you a list.' About a month afterwards I went and asked especially to see the governor, when I reminded him of his promise and of his offer. He took me to the office, and asked me to read the rules and regulations, and pointed out one to the effect that no prisoner shall see any minister other than a minister of the Established Church, except he or she shall have expressly requested permission to do so; so he said, 'You see that I can do nothing in the matter, though I am very willing to do everything I can for you; and unless the prisoners send for you each time, I shall not have power to let you see them.'" As regards that, the only way in which that statement is incorrect is, that on that occasion Mr. Myers came to see the prisoner Morse, and did not come specially to have that conversation with me; I was in the office at the time, and it was then that we had a little conversation about the visiting justices. I then pointed out Rule 47 to him, and told him that I would do everything in my power to forward his views.

4721. Would you give the Committee any case in which there is a substantial difference between you and Mr. Myers?—I can give nothing more than these little inaccuracies. In No. 2968 there are no names or dates given; if there were, I might be able perhaps to answer his statements; but I can inform the Committee that the Rev. Mr. Dykes, the Rev. Mr. Hoskins and others, have visited the gaol, as well as Mr. Myers.

4722. Mr. *Downing.*] What is the inconsistency in that statement?—It is stated that no other Roman Catholic clergyman has visited the gaol but Mr. Myers.

4723. That is to say, since he was there?—They have visited there since he has been there.

4724. What has your statement to do with Mr. Myers' answer?—I wish merely to show that other gentlemen have been in the habit of visiting the gaol, as well as himself.

4725. Will you read any part of the answer to which you will say that is a contradiction, because it does not appear to me to be so?—That has not been the case for the last two years. Then as regards the questions from 2975 to 2983, I may say that no Roman Catholic prisoner has ever been required to attend the service in the chapel of the gaol against his will or desire.

4726. *Chairman.*] What do you complain of there?—We have never asked the prisoners to attend; we allow them to ask us.

4727. You simply say that some do attend and some do not?—Some attend and some do not.

4728. What is your next objection?—As regards No. 2984, if any prisoner made the statement contained in that answer, it is incorrect. Then as regards Question 3011, the prisoners are not locked in their cells the whole day; the Roman Catholic prisoners are only in their

their cells with their own books during the time of service.

4729. Mr. *O'Reilly.*] Are the Catholic prisoners taken out for exercise on Sundays?—Yes, they are. There is a mistake in Question 3090. Our cells are not certified, nor are they warmed. Then with regard to Question 3099, I should state that I have never known prisoners register themselves as Protestants when they were Catholics, but I have frequently known prisoners who have expected to be sentenced to penal servitude, declare themselves Roman Catholics for the purpose of being sent to Millbank Prison, where they send all Roman Catholics.

4730. *Chairman.*] Do you know as a fact that at Millbank Prison there is a clergyman who performs the duties of the Catholic chaplain?—Yes, I am quite aware of that.

4731. And who has service in the morning, and service in the afternoon on Sundays?—Yes, and so they have in most of the convict depôts; but I fancy the reason why prisoners wish to go there is, that it is a more comfortable prison than most of them. Then with regard to Question 3106, all prisoners are treated alike in this gaol, and I cannot help adding that our books and records, which I produce, show that no difference whatever can be made in the prisoners' work.

4732. Is not Mr. Myers only speaking of what is the opinion expressed by prisoners, not of anything within his own knowledge?—That, I believe, is so.

4733. You say that the prisoners are all treated alike?—It is perfectly impossible, with our discipline, for them to go wrong.

4734. Is it not quite possible that a prisoner might form a different idea?—He could not; we have no task labour whatever throughout the prison, in any shape or way. The prisoners all work separately.

4735. But Mr. Myers himself is not acquainted with the routine of the prison?—He is not.

4736. In Question 3108 Mr. Myers was asked, "You do not think yourself that there would be any possibility of a difference of treatment being shown to the Catholic prisoners?" and the answer was "No; as far as I know there is great fairness shown to the Catholic prisoners;" you have no complaint to make of that answer?—None. The next correction I wish to make is this: in Question 3126, speaking of the sentences, he states, "Some of them are there for five years, three years, 12 months, and six months, and all those who have been committed for trial, and are awaiting their trials, are sent there." We have no five years or three years' prisoners; they are all short terms, from two months up to 12 and 18 months.

4737. What is the longest term?—Eighteen months. Then, in No. 3171, I have said that his reply to that confirms my remarks on Question 2958.

4738. That question is, "Were any of those 14 prisoners persons in health, or were they all persons in whose cases you were sent for on account of sickness?" His answer was, "There were only two on account of sickness." Therefore, when Mr. Myers referred to the sick and dying, it was only to those two cases he referred?—Pray, excuse me. I had not sent for him to see the woman, Hennesey; she was a Baptist.

4739. But you asked him when he was in the prison, to see her?—Yes, in case there might have been a mistake. Then my next point is, as to No. 3187. The books are not subjected to the approval of the governor; books for Protestant prisoners are approved of by the chaplain, and books for prisoners of other persuasions by the visiting justices. Then, with regard to 3189: all prisoners committed for trial are sent to my gaol.

4740. Mr. *Downing.*] Have you got a register of the deaths?—Yes I have (*producing the same*).

4741. Will you just point my attention to the death of Mary Hennesey?—It is No. 981. She was committed January 3rd 1868. She was an untried prisoner at first, and was convicted January 8th 1868, and sentenced for three calendar months. She died January 20th 1868. A coroner's jury held an inquest on the body, and the verdict of the jury was, "Death from liver disease, with other disease." The prisoner had no friends, and was buried January 20th 1868.

4742. Is there any burial service for prisoners?—Yes.

4743. Who attended upon that occasion?—The clergyman appointed to the cemetery to do the duty.

4744. What is his name?—I cannot think of his name.

4745. Is he a Protestant chaplain?—He is.

4746. Does he attend upon all burials except the Roman Catholic burials?—Either he does, or the Rev. Mr. Eland, of St. John's Church, Bedminster.

4747. Do you remember whether you had any woman in the gaol of the name of Mary Sullivan?—No

4748. Are you quite sure?—Yes, not at that time; we know that a Mary Sullivan has been there for very many years, off and on.

4749. Is she dead?—No.

4750. When was she last in your prison?—I cannot remember; but that is a very common name in the gaol. I think we had one very recently.

4751. I think there is one in May, previously?—Perhaps there may have been.

4752. That was very long, previously?—That was a year before.

4753. You had a copy of that evidence of Mr. Myers, had you not?—I had.

4754. Did you make any communication to the Chairman, or to any person connected with this Committee?—I wrote to Mr. Eales to say that I should like to contradict a part of the evidence, which I thought it was my duty to do, as it alluded to me more than it did to the prisoners.

4755. You keep copies of all your letters, do you not?—We do of all official letters, but I have not a copy of that letter; we did not consider that an official letter at all. (*The clerk to the Committee produced and read the letter referred to.*)

4756. You felt that you would be under the painful necessity, in every essential particular, of contradicting the evidence of Mr. Myers?—I thought that many things which he said were detrimental to the discipline of our prison, and I thought it would have appeared very odd if I had sat down quietly without saying a word.

4757. You have stated that the Rev. Mr. Myers ought to have had an answer if he had applied to you by letter, and that he would have got such a reply from you if he had applied?—I think so.

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4758. Would you take upon yourself to say that no letter was received in the gaol from Mr. Myers?—I never heard of one, and never saw one.

4759. You have taken upon yourself to contradict the evidence mostly with regard to seeing that boy, Dwyer, upon the Saturday?—Yes, I do.

4760. Why do you take upon yourself to say that he was not there upon the Saturday?—Because our books show that he was there upon the Monday.

4761. And could not he have visited the gaol without having his name entered in the books?—He could not.

4762. Is the name of every person visiting the gaol entered at the time?—No.

4763. Why would the name of Mr. Myers appear if it is not the invariable rule to have the name of every person visiting the gaol entered?—It is merely entered here in the chaplain's journal that the prisoner had been visited by the Roman Catholic clergyman the day before.

4764. The chaplain makes the entry, then?—He made an entry in his journal.

4765. Do I understand you to say that the Protestant chaplain makes an entry of the visits of the Catholic chaplain?—It is not his duty to do it, but he mentioned it in this case.

4766. Is that the reason why you contradict Mr. Myers, because there is not an entry in the chaplain's journal on the Saturday?—That is the only evidence I have; this is the daily entry, and I believe it is true.

4767. You take upon yourself, merely because it does not appear upon that book among the entries of the Saturday, that the Rev. Mr. Myers visited the gaol, to say that he did not do so?—I certainly should say that he did not. I think Mr. Myers may possibly have made a mistake in the day, as I frequently do myself.

4768. Do you not think it is more likely that the Protestant chaplain did not make an entry of his visit?—No, I do not think that, because this is a daily entry.

4769. Was it you that directed the clerk to send notice to the Rev. Mr. Myers of the illness of the youth?—No; the clerk would do that without seeing me.

4770. Did he do it?—I think so; but certainly not as regards the woman; there was no notice sent to Mr. Myers about her until I spoke to him while he was on the premises.

4771. As regards the boy?—The mother called to see him, before we wrote, on the Sunday.

4772. Mr. Myers says, "The day after that I received a notice from the clerk"?—Yes, that is quite right.

4773. Did you direct the clerk to send that notice?—I did not; it was a matter of duty and would be done off-hand by the clerk.

4774. There is no entry of his having been sent to?—None whatever.

4775. You have said that the books supplied to the Catholic prisoners were approved of by the visiting justices?—Yes, they should be; but if the Roman Catholic chaplain sent in any books, we would admit them directly, and if a friend brought a book down, we should put it by and show it to the visiting justices, and they would admit it at once,

4776. Mr. *Synan.*] Have you a Creed Register?—Yes, we have.

4777. Did you refuse Mr. Myers access to it?—My clerk did.

4778. Why was that?—Because he was not an appointed or permitted clergyman under the 47th rule of the Prisons Act.

4779. Is he invited to attend by the prison authorities?—He is not.

4780. Does not your clerk invite him to attend particular prisoners by letter?— If a prisoner wishes to see the priest, then we send a request at once to him or to some other clergyman.

4781. Have you read the Act of Parliament?—Yes, I have.

4782. The Act of Parliament says, "Permitted to visit the prisoner"; did you think that he came under those words?—I did not think that he was permitted under that Act; if he were permitted he would never find any difficulty in visiting the Bristol gaol; not the slightest.

4783. Did you refuse him that access to the Creed Register upon the authority of the visiting justices?—No, upon my own authority.

4784. Not upon the strict rule?—Yes, upon the rule. I pointed out the rule to him myself. I thought I was doing right.

4785. You told your clerk to give him a list of the Roman Catholic prisoners, did you not?—Yes, I did.

4786. Did you give him that list?—He could have always had it if he had come there.

4787. Did your clerk send it?—No, we did not send it.

4788. Did your clerk give it him?—No, the list is always there, and he can see it.

4789. I am glad to hear from you that it is your opinion that the visiting justices would not refuse service upon Sundays if it were applied for; where do the Catholic prisoners remain on Sundays while the Protestant service is going on?—In their cells.

4790. How long does the service take?—About an hour and a quarter.

4791. Do some of the Catholic prisoners attend the Protestant service?—Some of them do.

4792. Do you think prisoners consider it a relaxation to leave their cells and go to the chapel?—No, I think they do not.

4793. Do you think they would prefer going to the chapel to remaining in their cells?—No, I think they would not, because our chapel is colder than the cells.

4794. Do you think they would not care for the society?—No; because they would not see anybody in the chapel, because they are not even in sight of one another, either going to or returning from the chapel, or during the service.

4795. Where do they sit during the service?—Every prisoner is in a separate seat.

4796. Can the prisoners see each other?—No, they are in separate seats, boxed off, with a passage at the back, so that if any one of the prisoners is poorly, we can take him out without any of the other prisoners hearing or seeing.

4797. You do not agree with this evidence which has been given before this Committee, that the prisoners prefer attending the service in the chapel to remaining in their cells, even though their cells are warm; but you tell the Committee that their cells are cold?—I do not agree with that opinion, and moreover our chapel is colder than the cells; it is so cold that some arrangement has been suggested for remedying that defect.

4798. Supposing that there were two services, Roman Catholic and Protestant upon the Sunday, at different hours, do you think there would be any additional expense incurred in

in carrying out that plan in your prison?—Our warders are paid to do their duty, therefore it would all go into their day's work, so I do not think that that would entail any more expense upon the city of Bristol than is requisite at the present time.

4799. Mr. *Talbot.*] The number of Roman Catholic prisoners you state is generally about four or five?—Yes, it is generally about four or five, but we have six at the present time.

4800. It is a very small number, compared with the whole number of your prisoners?—It is a very small number compared to the whole number.

4801. No denial has been given to any prisoner who has applied to see the priest?—None whatever.

4802. And you imagine that if the priest applied for service for those prisoners, that application would not be refused?—I should not be justified in saying that it would not be refused, but I am pretty sure there would be no difficulty about it; I might say that there is less inconvenience attending the visits of the Roman Catholic priests to our gaol than to any other gaol in England; we have never wished to keep them out.

4803. Mr. *Guest.*] Mr. Myers, in his evidence, was asked this question: "Have you ever been told that prisoners have desired to see you, and that, nevertheless, you have not been sent for? *A.* Yes, I have." Then he is asked "By whom; will you just state to the Committee the circumstances of any such case?" To which he replied, "I can certainly remember two cases, if not three, of prisoners who have come to me after they have been released, and said, 'Oh, father, why did not you come to see me in the prison?' and I said, 'I did not know you were there; why did you not send for me?' and they have said 'Oh, I did frequently, but I was always told that the priest would be coming round, and when he was in the prison that I should see him';" can you remember any cases at all where the priest has been applied for and prisoners have made a complaint of his not having been sent for?—I do not remember any such complaint.

4804. You consider that statement is without foundation?—I am certain, in my own mind, that whenever a prisoner has made a request to see a priest, we have sent that very day to the priest.

4805. And so far from not sending to the priest, do I understand you to state that you have, on one or two occasions, invited the prisoners to send for the priest?—I have upon one or two occasions, some of them recently.

4806. Then Mr. Myers stated that certain Roman Catholics had registered themselves as Protestants, and that they had done so under the impression that they would be persecuted if they represented themselves as being Roman Catholics, and when asked by whom they thought they would be persecuted, they said by the warders; have you ever known any cases of warders endeavouring to persecute or impose upon the Roman Catholic prisoners?—No; they could not do it; I can give the Committee some figures which will show how that could not have been the case. Since the 1st of January 1870, prisoners have received various sums of money amounting to 11 *l.* 1 *s.* 6 *d.*; of that sum the Roman Catholics received 2 *l.* 9 *s.* 10 *d.*, instead of about 2 *l.*, so that they received more than their actual proportion; then I might mention that there was a Roman Catholic child discharged the other day, to whom I made a present of 5 *l.* out of my own purse, and we had a Jew discharged the other day, I gave him 5 *l.* out of my own purse; that shows we make no difference at all on account of a man's creed.

4807. Was the Jew an ordinary prisoner, or was he a debtor, or what?—The Jew was a debtor, but the child was the child of a Roman Catholic prisoner in the gaol.

4808. What age was that child?—About eight or nine months old; I tied the 5 *l.* note round the child's neck and sent it off to the school.

4809. Did you send the mother off with it?—No, the mother was a penal servitude prisoner.

4810. Mr. *Knatchbull-Hugessen.*] The Jew debtor was an exceptional case, I suppose?—No, I have given some hundreds of pounds away to the debtors.

4811. Not all to Jews?—Not all to Jews; but we never made any difference between the prisoners; we relieved them without any reference to their creed.

4812. I need hardly ask you whether you have always been on very good terms with Mr. Myers?—I am now, and I wish to be so, for the purpose of furthering his views.

4813. You do not contradict his statement upon that head?—Certainly not.

4814. Is a wish on the part of a prisoner to see the priest immediately conveyed to you?—Yes, it would come down in red ink on the back of one of these reports.

4815. You do not think that any warder could prevent such a request from coming to you, or suppress such a request from being communicated to the Roman Catholic priest?—No, I do not; I see all the prisoners every day and ask them if they have any complaints to make, and if a prisoner had asked the day before to see a priest and it was not down upon the back of this report, the warder would be suspended.

4816. You do not see the Catholic priest very often, do you?—I do not.

4817. He does not visit the prison very often?—He does not.

4818. And therefore, probably some of the small mistakes which may appear in his evidence would arise from his want of communication with you, and from his not having such a knowledge of the details of the prison as he would have if regularly appointed as an officer of the prison?—There is no doubt that some of them have arisen from his not having a larger acquaintance with the gaol.

4819. But if there was a Roman Catholic chaplain coming and going to the gaol, and visiting it upon terms of equality with the Protestant chaplain, those mistakes would be less likely to arise, would they not?—They would be less likely to arise as he would be in possession of the code of rules.

4820. And you would personally have no objections to such a system being adopted?—None at all.

4821. If the Roman Catholic chaplain was a prison officer, would you feel that he was placed upon better terms as regards his relations to the prison?—I should treat him with just the same respect as I do our chaplain, and should further his views just as much as I do those of the Protestant chaplain.

4822. You do not think that any difficulty would arise as regards the discipline of the

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prison?—No, he would have to attend at such an hour as would not clash with the work of the prison.

4823. And you would see no difficulty in arranging it so with the Roman Catholic priest?—None whatever.

4824. If the reverend gentleman was accurate in his statement that he would suit his hour to the requirements of the prison discipline, that would facilitate your arrangements, would it not?—Quite so.

4825. Mr. *O'Reilly.*] Am I right in understanding that according to your view now, the Reverend Mr. Myers, not being the regularly appointed clergyman to visit the prison, is not entitled according to the 4th section of the 26 & 27 Vict. c. 79, to be furnished with a list of the prisoners who are declared to belong to his church or persuasion?—The Register is the only thing that we refuse to show him; we should be justified in giving a list to anybody who applied for one.

4826. Do you conceive that it is your duty under the 4th section of the 26 & 27 Vict. c. 79, to furnish Mr. Myers with a list from time to time of all the prisoners in your gaol who are declared to belong to the church or persuasion of which he is the minister?—I do not consider it my duty, but I have no objection to do it. I should object to show him that book; that would be the register from which we should make the list.

4827. You conceive that you are not now obliged to do it, but if he was the regularly appointed minister would it not be your duty under this Act to do it?—Yes, or anything else that might be required.

4828. Mr. *Downing.*] You used the expression with regard to giving money, that "We" did not make any distinction; what did you mean by "We;" I understood you to say that it was money out of your own pocket?—A good deal of it is my own money, but the gaol authorities empower me to give every prisoner who comes within a certain rule a certain sum of money, and also out of the borough funds I am empowered to give a prisoner a sum not exceeding 2 *l.*

4829. I understood you to state that you gave 5 *l.* to a child; that was your own money?—Yes.

4830. Did I not understand you to say that the mother was sentenced to penal servitude?—Yes.

4831. What has become of that child?—The child is kept at school, I believe, by Mr. Alderman Ford.

4832. At what school?—I think at a Roman Catholic school, but I do not know where.

4833. Who is Mr Alderman Ford?—He is a kind-hearted Roman Catholic gentleman, and knowing that this child was the child of Roman Catholic parents, I told him that if he knew anywhere that I could send the child to, or any place where I could get it into, I should not mind giving the child 5 *l.*, or something of that sort.

The Rev. VINCENT ZANETTI, called in; and Examined.

Rev. *V. Zanetti.*

4834. *Chairman.*] YOU are the Catholic clergyman attending the Millbank Penitentiary, are you not?—I am.

4835. For what time have you been attending that prison?—For six years and a-half.

4836. Have you visited Tothill Fields Prison at any time?—I visited Tothill Fields and Millbank Prisons, beginning with the year 1853, for about seven years.

4837. Then may I say that your prison experience extends more or less over about 17 years?—About 17 years I have been in the habit of visiting prisons, Tothill Fields and Millbank.

4838. What is your position in Millbank Penitentiary?—I am termed the Roman Catholic priest in Millbank. I am a salaried officer of the prison, and I attend to the spiritual concerns of the Roman Catholic prisoners confined in that prison.

4839. When do you visit that prison?—I visit the prison every day; my time is completely taken up by that prison; I do not attend to any other work whatsoever.

4840 How many hours a day do you attend upon the week days?—I go there every morning regularly at half-past eight, and not unfrequently stay until half-past four; I generally spend, on the average, from five to six hours a day, five hours at least, in the prison.

4841. Do you visit the prison also on the Sunday?—I visit it also upon the Sunday, and I have four services.

4842. Why are four services necessary upon the Sunday?—There are male and female prisoners, and they each have two services, so that it is necessary for me to hold four services upon the Sunday.

4843. What services have you on weekdays?—Upon weekdays I have two services of 20 minutes each, which consists of morning prayers and catechetical instruction, and the service is accompanied with the singing of hymns.

4844. You have an afternoon service on Sunday?—We have two morning services and two afternoon services.

4845. Do you visit the prisoners in their cells?—I frequently visit the prisoners in their cells; I am furnished with keys of all parts of the prison where Roman Catholic male prisoners are incarcerated, and I am at liberty to go to them at any hour of the day; and to the female of Catholic prisoners, accompanied by a matron.

4846. What mark have you by which to recognise the cell in which a Catholic is incarcerated?—Over the cells of the Catholic prisoners are large printed letters, R. C., and the absence of that ticket indicates that the inmate of that cell is not a Roman Catholic.

4847. Of course you only visit your own people?—I never think of going to any prisoners, except those who are Roman Catholics.

4848. Do you visit prisoners under punishment?—I always visit prisoners under punishment, and, in fact, it is considered a very serious duty, and one which we can never neglect, to visit prisoners under punishment.

4849. Whether refractory or otherwise?—Whether refractory or confined in the dark cells.

4850. Do you consider it necessary that prisoners so circumstanced should be visited occasionally by a clergyman?—I think it is of great importance that prisoners under punishment should be regularly visited by their clergymen, as they generally become very violent under punishment, and sometimes desperate. The visits of the priest have a great tendency to soothe

soothe down that irritation, to induce them to accept with patience their punishment, and to show them the reasonableness of it, as far as can be done under such circumstances. And likewise it is necessary to give them a little comfort, as far as we can, for prisoners under such circumstances are inclined to be desponding, and to make away with themselves. They give way sometimes to great despondency and dejection, which succeeds to their irritation; so that it is a matter of very vital importance that they should be visited regularly.

4851. And a few words from a clergyman are found to have a great effect upon them?—Yes, I have known prisoners who were very violent to have been soothed almost directly when they saw the priest, for they have great respect for the priest; and although they may not listen to his admonitions, as might be desired, they are very glad to see him, and his ministrations will have a beneficial effect upon them.

4852. Of what punishment are you speaking?—I am talking principally of prisoners in the refractory cells, and in the dark cells.

4853. And you say that a few words of kindness and consolation addressed to them by their clergymen have a great effect upon their minds?—Undoubtedly.

4854. Do you think that if the Catholic prisoners were addressed by the Protestant chaplain under the same circumstances the same effect could be produced upon their minds?—I do not think that the same effect could be produced. I think that a prisoner should be visited by a clergyman in whom he has confidence, otherwise no good can be produced.

4855. Of course, you apply the same observation to the Protestant prisoner and his clergyman as to the Catholic prisoner and his clergyman?—The same observation applies to both.

4856. Has your advice under such circumstances been of practical use to those men?—I am quite sure of that.

4857. Do you attach importance to teaching prisoners in association?—I attach the greatest importance to teaching prisoners in common for many reasons. In the first place, to teach prisoners in common is a great economy in point of time, both for the priest and for the prisoners; time is saved to a considerable amount; and, secondly, the strength of the priest is economised. To oblige a priest to instruct 20 or 30, or any great number of prisoners singly, is a very great hardship, and no one could go through it very long without suffering great physical pain; and, secondly, I think that when the priest addresses a number together, he is more inspired to speak with energy. I think a large number rather inspires a person to be eloquent, if I may use the term; to be impressive, at any rate.

4858. He is likely, under those circumstances, to produce more effect upon his auditory?—Yes, I think that when persons are together there is a sort of sympathy one with another; and where there is a large multitude there is an effect produced which would not be produced if persons were addressed singly, or in very small numbers.

4859. Could you form an idea of the result of the religious instruction which prisoners receive in Millbank; does it lead, in your experience, to practical reformation?—The spiritual instruction which is given in Millbank, as far as my experience goes, tends very much to the improvement of prisoners and to their correction. I cannot say that it produces all the effect that might be expected, because prisoners are often hardened men; and the same discourse which might move others would not so easily move or correct them; but I have proved that considerable benefit has resulted from such ministrations. I would add that one of the great effects that I have seen in the Catholic prisoners of whom I have had the charge is this, that they become more respectful to authority, and more obedient to the orders given them, and that they become more patient under the punishment inflicted upon them, when they have a priest to reason with them, and show them the reasonableness of the punishment that is inflicted upon them; and, lastly, they become more diligent in their work, because they are more cheerful. Moreover, fewer old convicts return to the prison among the Catholic prisoners; the number has been considerably diminished in the last three years.

4860. Do you altogether lose sight of the prisoners, or lose all knowledge of them, when they leave Millbank?—No, I do not lose sight of the prisoners when they leave our prison. I make a catalogue of the prisoners so leaving, and I attach to this catalogue notes, stating what their conduct has been in Millbank, and what progress they have made in their religious education. These notes are of very great assistance to the clergyman in the Public Works Prisons, where these prisoners are sent. Generally I have a good account of the prisoners whom I have sent, at least, such an account as to make me believe that considerable fruit has been produced.

4861. Then you would not be inclined to attach any credit to the assertion that there was no appreciable result from religious instruction in the prison?—I should by no means, from my own experience.

4862. You state that there is only a small number of Catholic prisoners recommitted?—I did not precisely state that. I said that the number of reconvicted prisoners, or old convicts, had diminished. The number who enter the prison is no criterion of the improvement of the prison; but it is a criterion to know that the number of reconvicted prisoners is becoming fewer.

4863. Do I understand that, not only is the object of your teaching to endeavour to reform the individual prisoners, but at the same time to endeavour to maintain the order and discipline of the prison, as far as you can?—My object is to urge the prisoners to observe the rules, and to obey those who are placed lawfully over them.

4864. Are all facilities given to you for your ministration in that prison?—Every facility is given to me that I could reasonably require.

4865. You have no cause to complain whatsoever?—I have no cause to complain, in any way.

4866. With reference to your position and status, does that give you confidence in the discharge of your duties?—I have no doubt that my status does render my work more easy, because a clergyman who has got a status is really more respected by the subordinate officers; they do not regard him as an intruder, or as a person who is giving trouble or adding to their work, but they accept it as part of the work of the prison.

4867. You speak now as one who has had experience of both systems, where the clergyman is

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is merely tolerated and where he is considered as a recognised officer, and you express to the Committee your opinion based upon that experience?—I do.

4868. Are you on good terms with the officials of the prison?—I am on excellent terms with all the officials of the prison.

4869. How do you stand with regard to the Protestant chaplain?—I have a very cordial understanding with the chaplain. We have never had the slightest disagreement, nor the slightest misunderstanding.

4870. Is it possible for you to come into collision?—I do not think it is, unless we are determined to quarrel, as we each have our separate work to do; he attends to his and I attend to mine.

4871. Even if there were a desire to disagree, there are no means of gratifying such a desire?—No, it would be so contrary to the discipline of the prison, that it would be at once stopped.

4872. Are you on good terms with the governor and the director?—I am on good terms with the governor and the director. I have never had one unpleasant word with the governor, or the deputy-governor, or the director, since I have been in the prison, and I am always treated with the greatest courtesy by them.

4873. Are the inferior officers respectful towards you?—They are quite respectful.

4874. In fact, they recognise you as a superior officer of the prison?—They do.

4875. You have, I believe, a spiritual instructor to assist you?—I have.

4876. With reference to religious worship in the prison, is it conducted with befitting solemnity upon the Sunday?—It is conducted with sufficient solemnity certainly for a prison. There are morning prayers, and then Mass, and then Communion, when it is given, and prayers of Thanksgiving after the Communion. The service is accompanied by music; there is a very efficient choir in Millbank.

4877. The prisoners sing, I suppose?—The prisoners sing. I consider that music has a very great effect upon the prisoners.

4878. Would you say a soothing and elevating effect?—A soothing and elevating effect; very often their reminiscences of a better life may be revived by the strains they hear. I have heard of prisoners who have been so touched and moved by the music that they have heard, that they have been led to think seriously of their reformation.

4879. A question has arisen upon which you might be able to give the Committee some information, namely, with reference to altar furniture and its cost; the Committee have had different estimates given to them, some as low as 50 *l.*, and some as high as 150 *l.*; could you give the Committee some information upon that point?—I do not wonder that different estimates have been made by various witnesses, because each one will have his own notion about the quality of the vestments and of the church furniture; some will think it necessary to have a high quality, and others would take a low estimate of what the vestments and furniture of the prison chapel should be, and that may account for the difference of opinion. Secondly, it very seldom happens that a priest has to furnish his own altar altogether in a chapel, and it is not, therefore, generally a practical question with the priest. He generally finds, when he comes to a church, that the altar is furnished, and that he has only to purchase a few articles to replace those which may have deteriorated, so it may easily happen that a priest would really not know what estimate to give. But in order to obtain a practical estimate of the cost, I made an application by letter recently to an eminent firm, Messrs. Burns and Oates, of Portman-street, Portman-square, and also to Mr. Brangwyn, 26, Baker-street, who sells the same class of articles, to this effect: "You will oblige me by informing me, by messenger whom I will send to-morrow (Monday), for what sum you will supply all the altar furniture, vestments, and linen necessary for (1) Mass and (2) Benediction service. The altar itself and tabernacle will be made where they are required. I require the estimate for Divine worship *in a prison*, so you will please to take into your estimate only what is essential for the services named, and that of the simplest quality consistent with durability." I have had two returns of estimates, one from Messrs. Burns and Oates, and the other from Mr. Brangwyn. The furniture, vestments, and linen, such as I have described, Messrs. Burns and Oates would supply to a prison chapel for 56 *l.* 10 *s.*; they considered that those vestments and that furniture would be plain, yet substantial. The price of a somewhat better quality would be 75 *l.* 16 *s.*; Mr. Brangwyn estimates the vestments, furniture, &c., at 70 *l.*; 47 *l.* for vestments and the requisites for Mass, and for the Benediction service 23 *l.*, making a total of 70 *l.*

4880. That is for the simplest articles?—Yes, consistently with durability.

4881. Would you say that 100 *l.* would be an extravagant estimate?—I should not at all think that it would be an extravagant estimate, because the qualities of altar furniture, vestments, and the other things differ very much indeed. Having seen what this furniture is and its quality, I put some questions to the Rev. Mr. Bond, who is at present at Tothill Fields, to ascertain what quality of vestments and furniture were supplied at Tothill Fields, and from what he tells me I should say that you could not get that furniture and those vestments and the rest under from 100 *l.* to 150 *l.*, because they are of very superior quality, far superior to what would be furnished by Mr. Burns for 56 *l.* 10 *s.*, but I do not think that it is necessary to get such expensive furniture and vestments for a prison. I think the vestments and furniture which would be furnished by Messrs. Burns and Oates for 56 *l.* 10 *s.*, or by Mr. Brangwyn for 70 *l.* would be sufficiently good for a prison. This estimate does not, of course, include the altar, which could be made by a common carpenter.

4882. Lord *Henley.*] Does that include the cups which are required to be made of pure silver?—It includes the chalice, the cup of which is of silver; we cannot celebrate Mass without a dispensation from the bishop, unless the cup of the chalice, at least, be of silver; but all the rest may be of inferior metal.

4883. *Chairman.*] What would you say yourself would be a fair average, from all the information you have received; would you say that 60 *l.* or 70 *l.* would be a fair average?—Yes.

4884. Do those estimates of 70 *l.* from Mr. Brangwyn, and 56 *l.* 10 *s.* from Messrs. Burns & Oates, include the second service on the Sunday? They do.

4885. You

4885. You were at Millbank under the former system, were you not, under which the Catholic clergyman was merely permitted to attend?—Yes; at that time we had one service on the Sunday afternoon for the male prisoners, and one service on the Sunday afternoon for the female prisoners, consisting of prayers and a discourse; during the week, once we visited privately the female prisoners, and once the male prisoners.

4886. At that time, what was the average number of female prisoners in the gaol?—We had no access to the register then as now, so that I cannot say; but taking the average number of female prisoners in Millbank, I should think that there might be from 80 to 100 female prisoners in the prison at that time.

4887. How many of those were at that time in the habit of attending the Catholic worship?—The number varied very much; I never remember to have given the service to more than about 25.

4888. What was the smallest number you have seen?—I have not myself seen so small a number as I find from a letter I have in my hand, which states that there were sometimes only four female prisoners attending the service for several Sundays.

4889. Did they attend the Protestant worship?—All the rest of them attended the Protestant worship; with respect to the men, I suppose the average number of Catholic male prisoners at that time would be about the same as it is now, namely, about 350; of those 350 about half attended the afternoon prayers on Sunday, and the other half went to the Protestant church. With regard to the visits we made during the week, I saw, during the week, an average of about 10 female prisoners only, and about three or four men.

4890. Continuing to refer to the Sunday for a moment, could you give any reason why so very few women attended the Catholic service, and why they attended the Protestant service?—Because they did not wish to be locked up in their cells, and wanted a little excitement; it is always a certain amount of excitement for a prisoner to get out of his cell, and to be where others are; if they do not speak to one another, at least to be in company with others is a relief to them; so they naturally went to the Protestant service for this object, and to escape the tedium of their cells.

4891. Are you of opinion that the want of a Catholic service is, generally speaking, a motive which greatly influences Catholic prisoners in attending the Protestant worship?—Undoubtedly; and it is very perplexing for the priest who attends them, for if they go to the Protestant chapel, which they will do, we do not know what to do with them; they are acting against their conscience; they are in bad faith, and we can do nothing with them spiritually.

4892. In Millbank prison at present, have they Dissenting ministers of their own persuasion?—Formerly they had not; there were only two services, the Protestant and the Roman Catholic service for several years past, but lately Millbank has become a military prison; I do not know if it is to be exclusively a military prison, but it seems as if it were, and since the military have come there, which is since February last, I think there has been a Presbyterian service. That I believe has been permitted as it is permitted in the army; there is a regular Presbyterian service and chaplain in the army.

4893. From your experience as a prison chaplain, do you find that Protestant Dissenters have any objection to going to the Church of England service?—I do not think that formerly at Millbank the officials made any distinction. I think all that were not Catholics were regarded as Protestants, and went to the Church of England service.

4894. You yourself may not have seen them attend, but so far as your experience goes, do you know that Protestant Dissenters do attend the Church of England worship?—They do, and they make no difficulty whatsoever about it; so far as I know I have never heard of such a difficulty.

4895. You would say that a Catholic cannot attend the Protestant worship?—He cannot.

4896. So that the case is quite distinct as regards Catholic and Protestant Dissenters, with reference to attending the Church of England service?—Certainly.

4897. When you and your brother clergymen attended the Millbank prison before the present system was adopted, how were you and they treated by the warders; was the manner of the warders towards you the same as it is now?—We were generally treated with respect, but we were looked upon as if we were intruders, and there was not the same spirit towards us as exists at the present time.

4898. Now with reference to the cost of adding one or two warders to the staff, do you think that a certain number of warders in the prison more or less should be a consideration as regards the right of a Catholic to go to his own worship on the Sunday?—It seems to me to be no consideration at all; the first thing to determine is, is it expedient, or advantageous, or necessary, that the Catholics should have their worship, and if it is, then warders should be provided. It seems to me ridiculous to make a difficulty about the number of warders, they should be provided if there are not sufficient.

4899. If the same system of fairness which is now carried out in Millbank were carried out in all prisons in England, do you think that any inconvenience would arise to the prison discipline, or do you not think, upon the contrary, that great good would result to the prison?—I feel sure that there would be no difficulty with regard to the discipline, but, on the contrary, that the discipline of the prison would be improved, because the priest would have greater opportunities to instruct the prisoners in respect of their duty to the officers of the gaol. In that way the discipline of the prison would be rather enforced than enfeebled.

4900. Mr. *O'Reilly.*] The honourable Chairman asked you some questions of opinion with regard to the conduct of the Protestant Dissenters in the prison; have you had any experience yourself with reference to the Protestant Dissenters in the prison, or have you anything to say to them?—I have nothing personally to say to them, but I have heard others mention this, that they have no difficulty whatsoever in attending the Church service. I never interfere with the Dissenters, or any other Protestant prisoners, consequently I do not know in Millbank, from my personal experience, whether they have any objection or not. I never ask any question of, or speak to any prisoner, unless he is designated by the letters "R. C." over his cell, to be a Roman Catholic, nor does the Protestant chaplain ever speak to a prisoner who is a Roman Catholic, so that

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that by keeping a complete separation one from the other, as far as the religion of the prisoners is concerned, we go on in peace and comfort. What I stated was from my general information only.

4901. Am I right in thinking that you would not wish to express any opinion with regard to the Protestant Dissenters being willing to attend any other service or not, but you being like myself, a Roman Catholic, would speak for yourself?—If I were allowed, I should be content to speak merely for myself.

4902. Mr. *Synan.*] You have spoken about the services; what service of the Catholic church is it obligatory upon Roman Catholics to attend upon the Sunday?—Mass upon the Sunday is a matter of obligation, and any Catholic who should be able to hear Mass and should neglect to do so, without very grave inconvenience, would be guilty of a serious transgression.

4903. Suppose that service was obliged to be performed in the private cell of a prisoner, could that obligation be complied with?—It is utterly impossible that Mass could be celebrated by a priest in a succession of calls on the Sunday.

4904. Therefore, the obligation could not be complied with?—No; the priest is only allowed to celebrate Mass once without special permission. I have permission to celebrate Mass twice, but in a general way it is only allowed once.

4905. In order to make compliance with that obligation possible, it is absolutely necessary that the service should be associated?—Yes, it is essentially necessary. Our service does not consist of prayers and exhortations only, but of Mass; and without Mass we do not think that we have sanctified the Sunday.

4906. Sir *John Trelawny.*] Protestant Dissenters might go to the Church of England service in order to escape the tedium of their cells, might they not?—They might, but I have had no experience of them. I have never communicated in any way withany Protestant prisoners, whether Church of England or Dissenters.

4907. Probably Unitarians might not care to go to the Church of England service, from any extraordinarily close similarity of their views to the chaplain's doctrines?—It may be so.

4908. In short you have no actual knowledge?—I have no actual knowledge from my own personal experience.

4909. Mr. *Talbot.*] With regard to the Millbank Penitentiary, it is entirely a Government prison, is it not?—Entirely a Government prison.

4910. For males and females?—For males and females.

4911. Do prisoners go there for the beginning of their sentence?—They do; it is a probationary prison. There are two probationary convict prisons in London, Pentonville and Millbank; Pentonville has only Protestant prisoners in it; there are no prisoners in Pentonville, except those who do not belong to the Roman Catholic Church, and Millbank has Catholics and Protestants indiscriminately.

4912. How long do they remain in Millbank usually?—Usually nine months, but the term varies very much. It has been found sometimes that there has not been sufficient room in the public works prisons, so that prisoners have been delayed a little, and some of the prisoners have therefore been a year under probation at Millbank, and have not yet been sent away, but nine months is usually the time for their detention at Millbank.

4913. Then from Millbank they are passed over to Portland or to some of the public works prisons?—They are passed on to the public works prisons on certain principles. The able-bodied men are sent to Portland or Portsmouth, and those that are rather delicate are sent to Dartmoor, and those that are confirmed invalids are sent to Woking or Parkhurst.

4914. Then, usually speaking, it is a long time before the prisoners who have been under your care are released from prison?—It is a long time. Having, however, been six and a-half years in Millbank, I have had some experience in regard to a certain number of convicts who have had shorter sentences, and so I have been able to speak with reference to the return of old convicts.

4915. I suppose there would only be a very small per-centage of those prisoners who could have returned, for if they were all long-sentenced prisoners, and you have been there only 6½ years, it would have been impossible for many of them to have come back under your care. You will quite understand that I am not attempting to throw any discredit upon the effects of religious teaching, but I simply want to know what experience you have had in that respect?—I have had experience of five and seven years' prisoners, who, if they have conducted themselves well in prison, will have received such a diminution of their sentences as to come under my experience, if they be reconvicted.

4916. You stated that you had had experience in Tothill Fields Prison?—I have been in the habit of visiting the two prisons from the year 1853.

4917. You spoke of the obligation upon all members of your church to attend Mass upon the Sunday. I am afraid that that is not an obligation which is regarded by all Roman Catholics?—It is regarded by all conscientious Catholics as a very serious obligation.

4918. But the question is, who are conscientious Catholics. Should you call all prisoners conscientious Catholics?—I should not call all prisoners, by any means, conscientious Catholics; but they are perfectly well aware, and they are so instructed, that it is a serious duty imposed upon them, whether they be convicts or whatever they are, to attend Mass upon the Sunday. They are informed that it is a duty incumbent on them to attend Mass, and that if they neglect it, it is at the peril of their own souls.

4919. But many of those who you say would consider it an obligation to attend Mass upon the Sunday, would be persons who, up to the time when they came into the prison, had not been in the habit of attending Mass: those persons are generally hardened offenders, are they not?—Yes, they are.

4920. The class of hardened offenders out of the prison are not in the habit of attending Mass?—They are not.

4921. This obligation is, therefore, something which is only brought to their minds for the first time, or brought back again, when they come to the prison?—Quite so; we have to instruct them in their duty or remind them of it.

4922. It is not the hardship that they would feel on coming into the prison, if they could not attend the service, but it is something that you would wish them to do?—It is a hardship that they would feel very much if they were informed

by the priest that it was their duty to attend Mass, though they had not attended it before, and were at the same time debarred from doing so.

4923. Those persons, when they had been living out of the prison, had not attended to the duties of religion?—Yes, even such prisoners.

4924. And you mean that all ought to consider it an obligation upon them, whether they do so or not?—They ought to consider it as an obligation, and they do so when they are instructed in the prison. Many of those men are very ignorant, and oftentimes wicked through ignorance, but when they are duly informed by the priest what their obligations are with reference to the human and Divine law, they begin to have some conscience; and if they are told that they ought to go to Mass, and that it is a serious violation of the law of the Catholic Church to neglect it, they feel it a pain if they are not allowed to go; they see that the Protestants have a worship, and they consider it a hardship if they have not their service.

4925. Mr. *Knatchbull-Hugessen.*] With regard to visiting the prisoners, you are upon a footing of equality with the Protestant minister, are you not?—Quite so; and I think that there is as great respect, consideration, and kindness shown to me as there is to the Protestant chaplain.

4926. Mr. *O'Reilly.*] With regard to this obligation of hearing Mass upon Sundays, is it not the case that it is the same as any other obligation, such as not stealing, which we who hold the same religion consider it equally binding, although those who have come in as prisoners have neglected that obligation just as much as they have neglected the commandment not to steal?—Just so.

4927. Mr. *Downing.*] Did you, in the gaol that we are now speaking of, ever find a Roman Catholic prisoner who was ignorant of the fact that it was an obligation upon him to attend Mass upon the Sunday?—There are some who are very ignorant indeed, who have scarcely ever attended a church when they were out of the prison, and who are not therefore so well acquainted with that obligation; but the number of such is few; most of the Catholic prisoners, bad as they are, are sufficiently acquainted with their duty, in respect of hearing Mass, to consider it a violation of the law of the Catholic Church if they do not attend. I may say that the bulk of the prisoners do know that it is their duty to attend Mass.

4928. My question is, have you ever found one single Catholic prisoner, I do not care how hardened he was, that did not know that it was an obligation upon him that he should attend Mass?—I have not turned my attention to that particular point in the instruction of prisoners. I should think that there might be some cases, although not many.

4929. You cannot say from your own knowledge that there has been one case of that kind?—I could not say that.

4930. Mr. *Synan.*] You were asked by an honourable Member about the prisoners being instructed; do people of themselves acquire naturally a knowledge of moral or religious principles, or are they instructed in them?—We are all instructed in what our duty is to God and man.

4931. Do people generally, no matter whether they are prisoners or not prisoners, all need instruction with regard to their religious duties and obligations?—Yes, they do.

4932. My honourable friend asked you whether this obligation did not spring from instruction; does not the knowledge of all moral obligations and religious principles spring from instruction?—There are certain principles that spring from a knowledge of our obligations and duties to God with which we are all pretty well acquainted, and with which we get acquainted without any positive instruction; but there are other things which do not depend so much upon natural law as upon positive law, such as hearing Mass upon the Sunday. We are not taught by our conscience that we are obliged to hear Mass upon the Sunday. The Church says we are to do so, and that it must be done in order to sanctify the Sunday. Therefore it will be necessary to instruct every man in that obligation, as it is not contained in the natural law, but is simply a law of the Church.

4933. But is it not necessary to instruct the conscience in moral principles as well as to instruct people in the positive laws and in obedience to those positive laws?—No doubt it is a duty to instruct them in both.

4934. *Chairman.*] Though prisoners might not be conscientious, would they nevertheless feel it as a grievance if they were not placed upon an equality with those who differed from them in religion?—They would feel it a very great injustice, and I have had experience of this myself. The prisoners both in Tothill Fields and Millbank were continually complaining of the unjust way in which they were treated. I believe that many of them were refractory and were disobedient, because they thought that both themselves and their priest were unjustly dealt with, but when they have come to know that we are dealt fairly with, and when we are upon a footing with the chaplain, they are disposed when treated justly to be obedient and respectful to those who have charge over them. They learn justice by seeing justice in others.

4935. That sense of justice and injustice is not dead in the breast of prisoners?—By no means, they have an instinctive sense of what is just and what is unjust.

4936. You are in favour of every prisoner being taught and instructed by a minister of his own persuasion?—Undoubtedly I am; I think it is the only way in which to instruct a prisoner.

Thursday, 19*th May* 1870.

MEMBERS PRESENT:

Mr. Dalrymple.	Mr. Knatchbull-Hugessen.
Mr. Dimsdale.	Mr. Maguire.
Viscount Enfield.	Mr. O'Reilly.
Mr. Arthur Guest.	Mr. Synan.
Lord Henley.	Mr. John Talbot.

JOHN FRANCIS MAGUIRE, Esq., in the Chair.

The Reverend Vincent Zanetti; further Examined.

Rev. *V. Zanetti.* 19 May 1870.

4937. *Chairman.*] You wish to correct one or two statements you made on your last examination about which you find you were in error?—I wish to correct a statement contained in Number 4889. The Question is, "Did they attend the Protestant worship?" I was under the impression at the time I gave that answer, that the Roman Catholic prisoners who were registered as such, were allowed to go to the Protestant service in Millbank Prison in the earlier times, and on leaving the Committee I had reason to doubt whether I had sufficient ground for making that statement, and I therefore made inquiries at Millbank from the old officers, and I found that those who registered themselves as Roman Catholics were never allowed to go to the Protestant service. They were consistent from those early times, and, therefore, that which I stated about the creed register would also have to be modified. I should propose, with the permission of the honourable Committee, to alter my answer to Question 4889, by saying that I believe those prisoners, male and female, who registered themselves as Catholics, were not allowed by the prison rules to go to the Protestant service; and I must then take it for granted that all those who were registered as Roman Catholics went to the Roman Catholic service.

Captain Edmund Frederick Du Cane; Examined.

Captain *Du Cane.*

4938. Mr. *Knatchbull-Hugessen.*] Are you a Director of Convict Prisons?—I am Chairman of the Directors.

4939. And as holding that office you are the first authority over all the 11 Government prisons?—I am the head of the Government Convict Prisons Department.

4940. Will you inform the Committee what are the rules with reference to the record of a prisoner's religion, which is made upon his entry into the prison?—When a prisoner is first received into a Government prison he is asked by the authorities of what religion he declares himself to be; his answer is recorded, and whatever it is, he attends the services of that religion. There is a certain notice given to the prisoners and posted about in the prison, telling them what are the rules, and the privileges they have according to the religion they belong to.

4941. Is this the notice to which you refer? "Notice concerning a prisoner's religion." 1. Prisoners will be required, on their first reception into a Government prison, to declare of what religion they are. 2. Those who declare themselves to be Protestants will have the opportunity afforded them of being visited by the chaplain and Scripture reader, and will attend the services of the Church of England, or will be visited by, and attend the services of a Protestant minister of their own denomination. 3. Those who declare themselves to be Roman Catholics will have the opportunity afforded them of being visited by the Roman Catholic priest, and will attend religious services performed by him. 4. Prisoners are distinctly to understand that when they have once declared of what religion they are, no change will be afterwards allowed, unless upon satisfactory proof, after careful inquiry by the authorities that the change is real." Then follow the instructions with reference to the entry. "1. When the above notice has been read and explained, and each prisoner understands it, he will declare whether he is Protestant or Roman Catholic. 2. The governor or deputy governor will then cause to be entered in the separate reception ward book, opposite each name, the following remarks:—A. B. has read, or has heard read and explained the contents of the notice respecting a prisoner's religion. A. B. is a Protestant (or) is a Roman Catholic. 3. The entries will be made by a clerk from the governor's office, and will be signed by the governor or deputy governor, and countersigned by the clerk." Have you ever had any complaints made to you with respect to the working of that notice?—Certainly not.

4942. Are the changes frequent?—No, they are not now; men used at one time to apply rather often to be allowed to change their religion after they had once declared it; but it was thought that those changes did not very often proceed from good motives, and now a very careful

ful inquiry is made, in case a man does wish to change, to find out how he has been brought up; but any change is discouraged as much as possible.

4943. Has the Roman Catholic priest free access to the prisoners of his persuasion?—Certainly; he has a key of the cell in which the Catholic prisoner is, and the Protestant minister has no right to go into it at all.

4944. Is there any distinctive mark over the cell?—There is a little label with the letters "R. C." written on it, so that no mistake can arise.

4945. You have with you a number of rules applicable to the religious instruction of Roman Catholic prisoners, have you not?—These are the rules that were authorised by Sir George Grey when the payment of Roman Catholic priests was first introduced in convict establishments.

4946. I will read them: "Convict Prisons. Rules applicable to the Religious Instruction of Roman Catholic Prisoners. So long as an allowance is granted by Parliament for the religious instruction of Roman Catholic prisoners, the following rules shall be in force: 1st. A Roman Catholic priest may be nominated by the Secretary of State to visit Roman Catholic prisoners, such nomination to continue in force during the pleasure of the Secretary of State. 2nd. Prisoners will be required, on their first reception into a Government prison, to declare of what religion they are. 3rd. Those who declare themselves to be Protestants will be visited by the chaplain, and will attend the services of the Church of England. 4th. Those who declare themselves to be Roman Catholics will be visited by the Roman Catholic priest, and will attend the Roman Catholic services performed by him. 5th. Prisoners are distinctly to understand that when they have once declared of what religion they are, as a general rule, no change will be afterwards allowed. Should exceptional cases arise, they will be carefully inquired into by the prison authorities, who will report the facts, and their opinions, to the directors. 6th. The visiting priest shall be subject to no interference by the prison authorities in strictly spiritual matters, but he must not interfere with the established rules and regulations of the prison, or the routine of discipline and labour. He will confer, whenever necessary, with the governor, or (in the case of a female prison) with the lady superintendent, on all matters connected with his duty; and, in the event of any question arising on which a difference of opinion exists, it must be at once referred for the consideration of the visiting director. 7th. The priest will have access to the reception ward book, and facilities will be afforded him for the performance of Divine worship, and reading daily prayers, at such hours and under such arrangements as may be consistent with the observance of the rules and the discipline and order of the prison. 8th. Subject to the general arrangements for the discipline and safe custody of the prisoners, the priest will have access to the male Roman Catholic prisoners in their cells, and be furnished with a key for this purpose. A proper place will be provided for the visiting priest to meet the female Roman Catholic prisoners for the purpose of attending to their spiritual instruction. 9th. The prison chaplains and Scripture readers will not visit Roman Catholic prisoners, neither will the Roman Catholic priest visit Protestant prisoners. 10th. The teaching in school shall be confined to secular subjects, as regards Roman Catholic prisoners. 11th. The letters to and from Roman Catholic prisoners will be read by the governor and deputy governor only. 12th. Prisoners' library books objected to by the visiting priest will not be issued to Roman Catholic prisoners"?—Those are the rules which Sir George Grey laid down.

4947. Have you found anything in those rules which in any way clashes with the good order and discipline of the prison and its management?—Nothing at all.

4948. I will ask you as the head authority, whether you have always found a good feeling existing between the clergymen of the different denominations within the prison?—Certainly, and the priests, I am bound to say, have always given every assistance towards the carrying on of the duties of the prison.

4949. There are 11 Government prisons, I think, under your control?—There are.

4950. Is it not the case that you commit Roman Catholic prisoners to a certain number only of those gaols?—We have Roman Catholic prisoners in nine of them, and wherever there are Roman Catholic prisoners there is a priest.

4951. Therefore, the Roman Catholic prisoners committed to the convict prisons are in every respect, with reference to the receipt of religious instruction, upon an equality with the Protestant prisoners?—Certainly.

4952. With regard to the pay of the Roman Catholic priest, how is that regulated?—The pay has been varied from time to time since the Roman Catholic chaplains were first appointed. The original arrangement was, that a certain sum, namely 500 *l.* a-year, was authorised in the Estimates to be distributed amongst the different prisons, and that resulted in three of them being paid 100 *l.* a-year, two of them 75 *l.* a-year, and the other 30 *l.* a-year; that was in 1862.

4953. That was found inadequate, was not it, after a time?—In 1866 that sum was thought to be insufficient, and then it was raised, so that three of the priests got 182 *l.* 10 *s.*, one 136 *l.* 17 *s.*, and one received 109 *l.* 10 *s.*, and another 30 *l.* Then in the year beginning with the 1st of April 1869, they were all put upon a uniform rate of pay, amounting to 182 *l.* 10 *s.* a-year; and a certain sum, 26 *l.* 10 *s.* a-year for house allowance, that is the uniform pay with two exceptions, viz.: one of the priests this year has had his salary raised by 25 *l.*, on account of the number of Roman Catholic prisoners being rather increased, and the other priest who has a small number of prisoners to attend to, only gets the sum of 30 *l.* a-year.

4954. That is a kind of special gratuity for services performed, is it not?—Certainly; in that case the priest only comes in and visits occasionally, and does not occupy all his time in the prison.

4955. He has a cure of souls in the neighbourhood as well, has he not?—He has a cure of souls in the neighbourhood.

4956. Will you give the Committee the average number of prisoners of all classes in all your 11 prisons throughout the year?—At Millbank this year we have an average number of 1,185, of whom about 360 are females. At Parkhurst, the average number is 450; at Pentonville, 798; at Portland, 1,540; at Dartmoor, 1,030; at

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at Portsmouth, 1,250; at Chatham, 1,600; at Woking, 701 males; Brixton, 566, also males; at Fulham (female prison) the average number is 330; and at Woking Female Prison, there are 700.

4957. Have you the average number of Roman Catholic prisoners in each of those prisons?—The number of Roman Catholic male prisoners shown on a Return made in December 1869, is as follows: In Millbank, 385 males, and 54 females; at Portsmouth, 559 Roman Catholic male prisoners; at Chatham, 138; at Dartmoor, 228; at Woking Male Prison, 160; at Portland, 287; at Woking Female Prison, 286; and at Fulham, which is also a Female Prison, there are 30. (*A Return, corrected to 23rd May, is appended.*)

4958. To Parkhurst and Brixton, you do not commit Roman Catholic prisoners, I believe?—There are no Roman Catholic prisoners sent there, and therefore there is no priest appointed.

4959. Looking at the disproportion of the numbers in the various prisons, do you consider that that equality of pay is fair?—The priest has got work which keeps him entirely employed at work at all those places, and you would be liable to a variation in the number according to circumstances.

4960. At Fulham, where there are 30 prisoners, the priest has only a gratuity?—He is not fully employed, and therefore he is only allowed 30 *l.* a year.

4961. Do you give that as a kind of capitation grant?—No, not at all; it has been fixed at that rate; I do not quite know why it was put at 30 *l.*, but it was thought sufficient.

4962. Take for instance, Portsmouth, with 559 Catholic prisoners, and Dartmoor with only about half the number; is the amount of work performed by the Catholic priest at the one, equal to that performed by him at the other?—No, I should say not. We might easily put more prisoners in Dartmoor without overworking the priest, but those prisons are all for special purposes. Dartmoor contains a special class of invalids, and if they are not invalids of that class, they are not sent there.

4963. At Chatham there are 138 Catholic prisoners; I suppose that number is enough to employ the whole time of the priest?—He could certainly take more, but you could not have the work done without employing a priest; and he could not do very much else beyond looking after those prisoners.

4964. If that is so, does it not appear to you, that for the larger numbers 559 and 385, a little larger allowance might be necessary. The pay varied with the numbers before 1869; then all were raised equally to the highest rate?—At Portsmouth, where there are 559, the priest does get more; those things are regulated by fixed rules approved by the Treasury; when the number of prisoners increases beyond 1,000, all the superior officers may get an extra allowance; at Portsmouth this rule comes into force, and the priest gets an extra 25 *l.* in consequence.

4965. Have you had any complaints of insufficiency of pay from any of the chaplains?—I think all officers want more as a general rule.

4966. But specially from Roman Catholic chaplains?—No; their salaries have all been raised, and I think they get now as much as they would get in their ordinary employment; I should think that they were rather good appointments.

4967. Have any of those gentlemen assistants or any pay allowed for assistants?—No; there is a schoolmaster who is a Roman Catholic, who gives them a little assistance when it is necessary, but that is not ordinarily the case.

4968. Is it the case, that in the school only secular instruction is given?—Certainly; the religious instruction is entirely under the priest, and the school instruction is entirely secular; in fact, it is of so very elementary a character that it could not be otherwise.

4969. You have had no complaints of any element of a controversial character being introduced into this instruction?—No, certainly not.

4970. *Chairman.*] You say that there is a good feeling existing between the officers in consequence of this change in respect of the recognition of the Roman Catholic priest as a salaried officer of the prison?—I think that there is always a good feeling between the officers, and we desire to get men who will perpetuate that feeling.

4971. But you are of opinion that giving the Catholic priest a status makes him more certain of his position, and more capable of exercising a beneficial influence?—No doubt it does.

4972. Your name is appended, is it not, to a report published in 1864?—Yes, it is.

4973. What time previous to that was the Catholic clergyman a paid and recognised officer?—From 1862 or 1863 they have received pay, but they were not all paid upon the same scale until 1868.

4974. But in 1862 was the first time that the Catholic clergyman was paid?—He was not paid at all before that.

4975. From 1862 he has been paid and recognised as an officer of the prison, has he not?—Certainly.

4976. In that report of 1864 there is this passage:—"The effect upon the convicts has been marked, and the recognition of their claim to the ministrations of a clergyman of their own persuasion has been a source of great improvement in their outward conduct;" do you still hold to that opinion?—Certainly.

4977. Will you explain to the Committee in what manner that improvement has been manifested?—Their prison offences have decreased, and they are more amenable to management, and more contented.

4978. Will you explain to the Committee a little more fully, what caused you to form that opinion?—The number of offences committed by Roman Catholic prisoners was less when they were placed under proper religious instruction, and religious influences, than before, when they felt themselves, it may be, neglected; I do not know exactly what it was, but it was remarked among the officers that they did behave themselves better from that time.

4979. You think that if the old system were still continued, and the Roman Catholic clergyman were merely tolerated, that good effect could not be produced upon the prisoners which would be produced by a priest who was recognised as an officer?—I should not like to say that it was on account of the different status of the Catholic clergyman, but on account of his being there at all. Before that time he was not necessarily there at all, and I do not think that the prisoners knew or considered very much whether there was any particular status given to him or not.

4980. This report states that "this measure has been one attended with unmixed good results;"

sults;" do you agree with that statement?—Certainly.

4981. Are you, after an experience of a great number of years, ready to confirm that opinion?—Certainly; I should be very sorry to say anything against the system which has been adopted.

4982. The more you see of it the more you are convinced that it is the right system?—There can be no doubt about it.

4983. You have already stated that when prisoners desired to change their recorded religion, inquiries were made as to how they had been brought up?—That is so.

4984. I suppose you were anxious to avoid any interference with the religion of the prisoners?—Certainly. Prisoners have been known to give in a religion which was not their true religion, and if there has not appeared to be any trifling in the matter, one would naturally desire that they should be allowed to revert to the religion they have been brought up in.

4985. I may take it that you are of opinion that any interference, direct or indirect, or any inducement, passive or active, to change the faith of a prisoner would be unfair?—Certainly it would be unfair and undesirable in every way.

4986. Assuming for a moment that in your prisons there was no Catholic service, and that the Catholics were allowed to attend the Protestant service, and in fact, could attend no other; do you not think that that would be an inducement for them to waver in their faith?—I have no doubt that many Roman Catholic prisoners would give in their names as Protestants for the purpose of attending the Protestant worship, because they do not like being left in their cells.

4987. You know something of Parkhurst Prison, I presume?—I do.

4988. Do you know Mrs. Sarah Gibson?—I do.

4989. She is a very intelligent woman; I believe she is the lady superintendent, is she not?—She was the Superintendent of the Parkhurst Prison.

4990. She speaks very highly of the conduct of the prisoners at Divine worship, and of the effect of religious instruction upon the most depraved?—Certainly; I quite agree in that.

4991. Mr. *O'Reilly.*] Have you many Protestant Dissenters in the prison under your care?—We do not record anything of that kind; it is simply put down as "Protestant," or "Roman Catholic," in the record which is made.

4992. But I suppose if a prisoner wished to be recorded separately as a Protestant Dissenter, and objected to attending the service of the Church of England, you would record his denomination?—At Chatham there are a certain number of prisoners who are Presbyterians, and have a minister who comes to them, and does a certain amount of service for them.

4993. You have had no experience of any other class of Protestant prisoners who wish to be considered separate from the Church of England?—There are no others with us.

4994. If there were any others, you would no doubt have had it made known to you?—I think I should.

4995. Mr. *Synan.*] With respect to the question of salary, do you think that at Fulham, where the number is very small, a capitation would be a fair principle of payment?—There are certain objections to capitation in this respect, that if a person's emolument depends upon the number of prisoners of a particular religion, he is directly interested in changes of religion or in increasing their numbers; I would rather pay a man a fixed sum, whatever it might be.

4996. And of course that fixed sum should be a sum that would be adequate for the work that the priest has to do, and to maintain his position as a gentleman?—Certainly, it should be about what a man of his profession would get in any similar employment outside.

4997. I suppose 30 *l.* a year for a gentleman educated as a Roman Catholic clergyman, if he had not a cure of souls as well, would not be adequate to that purpose?—I do not think that it would be adequate of itself; but in the case of Fulham it is only a gratuity for a portion of his work.

4998. Where the prisoners were numerous capitation would be a good principle, as it would afford an adequate salary?—Yes.

4999. You were asked, with respect to Catholic prisoners attending Protestant worship, do prisoners consider being kept in their cells as a kind of punishment?—I think they look to the chance of getting out of their cells and escaping from solitude and so on as an advantage which they do not like to be debarred from.

5000. And do you consider that an extension to the ordinary prisons of the country of the same system which prevails in the Government prisons, from your experience of it, would have a beneficial effect?—I think it would, certainly.

5001. Lord *Henley.*] You spoke of changes in the religion amongst the prisoners as at one time having been very frequent, which you thought very undesirable; can you tell the Committee from what motives those changes arose?—The prisoners gave very various reasons; one man would say that he was induced by the fellow-prisoner who was with him to say he was this or that; another man would say that he wanted to go to a certain prison, where he heard that prisoners of that religion were sent; various motives were given, such as influence prisoners.

5002. In fact, founded upon anything except real conscientious objections?—I think so.

5003. But it did not arise from the admission to those prisoners of a minister of the church to which they did not belong?—No; because they declared their religion when they came in before anyone had had access to them.

5004. But I understand you to say that it was after they had made that declaration that they had made that change?—Yes; but it did not arise from the access of the minister of any other religion to them.

5005. It probably arose from the persuasion of other prisoners?—Yes; there are some men who say they have heard from their friends that they will never see them again if they give a false declaration of their religion, and that therefore they want to make a change, and various reasons of that sort are alleged.

5006. In those large prisons the number of Catholic prisoners has never fallen to a very small number, I presume, or below 100?—We generally keep them up to an average number.

5007. You have not had the number falling to 10 or 20?—Thirty is the smallest number, and that is at Fulham.

5008. Is there a Catholic priest from an establishment near, who can attend at the prison?—There

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—There is a priest with a cure of souls in the neighbourhood, and it is only a small addition to his work to attend to the prison.

5009. If there were only a small number of prisoners belonging to the Roman Catholic religion, and no establishment of Roman Catholic priests near the prison, do you think that those prisoners would be taken to some other prisons attended by a priest?—Certainly, we should do so.

5010. I understand you to state that you allow Catholic worship in your prisons?—Yes; in each prison there is a chapel.

5011. And the fittings up for that chapel are found by the authorities, are they not?—Yes, they are.

5012. The ministers are not called upon to find them out of their own pockets?—I do not think that the vestments and those things are supplied by the Government. If a man wants something beyond a certain scale, there is no objection to his having it, but the Government are not responsible for it.

5013. Do you know of what the fittings up consist?—They consist of a tabernacle and an altar, and a super-altar, and candlesticks; I could give you a list of them.

5014. The Committee have been inquiring about the cost of the necessary appliances, perhaps you can give us some information upon that point?—I could not say what would be the cost of them, because we make all those things ourselves, so that the cost of them to us would be very little.

5015. You have stated that in all the large prisons there is a resident Catholic priest who has money allowed him for house rent?—In all prisons, except at Fulham, there is a resident priest who has a salary.

5016. Lord *Enfield.*] Have you ever visited any county prisons; prisons under the supervision of the justices?—Yes, I have.

5017. Do you think that there is anything in the discipline of county prisons which would prevent the same provisions being carried out as in Government prisons?—No; it is simply to provide the room and the man.

5018. Therefore, if the justices were willing, there would be nothing to prevent the service being performed in the county, just as it is in the Government prisons?—I think not.

5019. Mr. *Talbot.*] A noble Lord asked you the cost of the chapel fittings, and I think you said that you could not give it?—I could not say offhand, but it is very small, as we make the things ourselves.

5020. If you make them yourselves, they could make them in the county prisons, could they not?—Perhaps they have not the same mechanics as we have.

5021. My right honourable friend asked you the statistics of the number of Roman Catholics in each of those prisons, and the salaries paid to the priests. In all the convict prisons are there two separate chapels?—In all except at Portsmouth, and there they use the same chapel for both.

5022. Do you think it is a good arrangement for the same chapel to be used for both services?—I think a separate chapel for both is preferable.

5023. Mr. *Guest.*] Have you known any cases of prisoners wishing to see a minister of their own denomination, whether Jews or Dissenters?—We have got an establishment for the Jews.

5024. Do you send for a Jewish Rabbi when a prisoner wants to see him?—The Rabbi attends, and does the service regularly. The Jewish prisoners are all concentrated at Portsmouth.

5025. Does he receive a payment for that service?—No; I think he does it voluntarily.

5026. I suppose if any prisoner wished to see a minister of his own religion, there would be no objection?—Certainly not, if any minister chose to come, but we cannot force a minister to come.

5027. You stated that you did not see any reason why the two services should not be conducted with the same discipline existing, as now exists in the county prisons, but cannot you conceive that it might be rendered necessary to have an increase of staff?—No doubt it is quite possible that it would have that effect; there must be more officers on duty on Sundays if there are two services going on at the same time.

5028. If they did not go on at the same time, what would you say then?—Then the officers would be harder worked, and it comes to the same thing.

5029. And therefore it would require an increase of staff in any case?—I think it would do so.

5030. Mr. *Knatchbull-Hugessen.*] But you think it is necessary that religious instruction should be given to all the prisoners?—Certainly. I think there is no doubt that it is a good thing that prisoners should be instructed in their own religion.

5031. Then, if from insufficiency of staff the discipline of any prison has prevented that instruction from being given, what would you recommend?—I think the staff ought to be increased; the expense could not be very great.

5032. You would not visit upon the prisoner the laches of the prison authorities in not having employed a sufficient staff?—No, certainly not.

5033. *Chairman.*] How many Jews are there in the prison of which you spoke?—I do not think there are more than 10 or 12.

5034. How often does the Rabbi visit them?—I think he comes every Sabbath, and then they have a great number of other feast days.

5035. Does he reside in Portsmouth?—Yes.

5036. Is it usual for Dissenters to ask for ministers of their own faith?—No, I think not.

5037. Mr. *Guest.*] But are you not obliged if a prisoner wished to see a minister to send for him, according to the Act of Parliament?—If the minister will come I think we should be bound to do so, but of course if he does not choose to come, we cannot force him by any power that we have got.

5038. Is there no way of overcoming that difficulty of increasing the staff; for it appears to me that if you increase the staff, you increase it only for duties on the Sunday, and the warders would have nothing to do upon the week days, or rather you would have too great a staff upon the week days?—I do not think that the increase in the staff would be so great as all that. I think the point would be that the officers would be harder worked upon Sundays, and that you would have to consider that in giving them leave on other days; if there are two services going on you cannot give so many leave on Sundays, but I do not think there would be any great difficulty about that.

5039. Mr. *Knatchbull-Hugessen.*] Do you know of any application having been made by Protestant Dissenting ministers for a salary?—I think there was

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was an application from a Wesleyan minister for permission to visit without being paid, and there is a Presbyterian minister paid at Chatham now.

5040. What answer was given to that application of the Wesleyan minister?—He was not allowed to visit.

5041. That answer was given entirely with reference to the carrying on of the discipline of the military prison?—It was on the ground that there are three different classes of prisoners in Millbank, who must be kept separate; and it was impossible to carry out so many different arrangements for religious services under such circumstances.

5042. Mr. *Guest.*] Is a Presbyterian minister paid at Millbank?—He is an army chaplain, and he is paid as such, and he is also paid at Chatham.

5043. How many Presbyterian prisoners have you at Chatham?—About 30 or 40.

5044. How much does the Presbyterian minister receive for his services?—He gets about 30 *l.* a year.

5045. That is about 1 *l.* a man?—Yes, it happens to be so, but it was not fixed at that amount, for that reason.

5046. Lord *Enfield.*] Are there Roman Catholic warders in any prison?—Yes; they are not chosen as such; they are appointed just as they come, without reference to their religion.

5047. There is no selection made, considering the number of Roman Catholic prisoners in the prison, in order to get Roman Catholic warders?—Not the least; we take a man just according to his ability and character.

Colonel Edmund Yeamans Walcot Henderson, called in; and Examined.

Col. *Henderson.*

5048. *Chairman.*] You have heard the evidence of Captain Du Cane, have you not?—I have.

5049. Do you quite agree with that evidence?—I agree with it entirely; Captain Du Cane and myself worked together for many years, and those regulations which you have read we drew up together, of course in conjunction with the other directors, and we are entirely agreed upon the whole subject.

5050. You quite agree that the system of paying the Catholic clergyman, and giving him a status as a prison officer, has worked no evil, but good?—Quite so; that has always been my opinion; I had very considerable experience in Western Australia before I became Surveyor General of Prisons, and my idea has always been that Protestants and Roman Catholics should have the same opportunities of religious instruction, and that the one should be placed upon precisely the same footing as the other; and I have never seen anything but good result from its being so.

5051. I would only ask you one other question: if the system has worked well, as you state, in the prisons under the control of Government, is there any reason why it should not work well in ordinary county prisons?—None whatever.

5052. And are you of opinion that the same system ought to be applied to them?—Most decidedly.

5053. Mr. *Knatchbull-Hugessen.*] These reports which the honourable Chairman has read were drawn up by you and Mr. Du Cane, and you entirely coincide with him in the views there stated?—Yes; those were reports drawn up by myself in conjunction with him and the other directors.

Monday, 23rd May 1870.

MEMBERS PRESENT:

Mr. Dalrymple.
Mr. Dimsdale.
Mr. Downing.
Viscount Enfield.
Mr. Robert Fowler.
Mr. Arthur Guest.
Lord Henley.
Mr. Knatchbull-Hugessen.
Mr. Maguire.
Mr. Matthews.
Mr. O'Reilly.
Sir John Pakington.
Lord Pelham.
Mr. Synan.
Mr. John Talbot.
Sir John Trelawny.
Mr. Walpole.

JOHN FRANCIS MAGUIRE, Esq., in the Chair.

The Right Hon. Sir Walter Crofton, c.b., called in; and Examined.

Right Hon. Sir *W. Crofton*, c.b.

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5054. *Chairman.*] I believe you have been connected for a very long time with the administration of prisons in England and in Ireland?—I was Chairman of the Directors of Convict Prisons in Ireland from 1854 to 1862. Subsequently, at different periods, I have been employed by the Home Office to assist in the development of the Prisons Act of 1865, and last year as a Commissioner with regard to prison matters and reformatory schools in Ireland.

5055. So that I may presume you have sufficient practical knowledge of the working of the Prisons Act in the two countries?—Yes, I think so.

5056. Are you acquainted with the general objects of this Committee?—Yes, I am.

5057. Will you state to the Committee what is your notion of its object?—My notion of its object is, that with regard to the Prison Ministers Act of 1863, it is desired to make the permissive clause compulsory, in consequence of all the gaols in the country not taking advantage of the permissive power contained in that clause.

5058. Will you first state, in reference to Ireland, what is the system adopted in convict prisons there; is it the same as that adopted in similar prisons in England, namely, that with regard to religious instruction prisoners of both persuasions are placed upon a perfect equality?—In the convict prisons in Ireland they are certainly placed upon a perfect equality; and in the county prisons, I should say that that is also the case, generally speaking.

5059. With reference to the county prisons, is it not within your knowledge that by law, under the Grand Jury Act, there is a Catholic chaplain and a Protestant chaplain in every gaol in Ireland?—So I should consider under the 7th of George the Fourth, and I believe that there are such officers in every gaol.

5060. Have you found any evil resulting in Ireland from the carrying out of that system of equality, by giving a prisoner the advantage of the ministrations of a minister of the faith in which he has been brought up?—On the contrary, I have found very great advantage to result from it. I will, with the permission of the Committee, read an extract which I have made from the Irish convict rules with regard to the chaplain, which will show what is expected from him in the way of co-operation: the fifth rule, relating to the chaplain, is, "He shall endeavour, by all means in his power, to obtain an intimate knowledge of the disposition of each prisoner under his care, and is expected to allot a considerable portion of his time to visiting, admonishing, and instructing such prisoners." This is not the Irish rule only; this is copied from the chaplain's rules at Pentonville. Pentonville Prison, as we all know, is the model prison in this country, in which the system of separation was tried for the first time: for many years it was under a very considerable amount of watchfulness. A Commission was appointed to look into all matters which would tend to the amendment of criminals, and I suppose that no system which has ever been established anywhere has had such careful supervision as the Pentonville system had when it was initiated; this was one of the rules for chaplains, and I wish to point it out, because it shows, after much watchfulness and care, what was thought necessary, and how much was expected that the chaplain would do for the amendment of prisoners.

5061. In order that a clergyman should exercise influence over a prisoner, he must, according to that rule, acquire a knowledge of his character and disposition; do you think it is possible, from your knowledge of the nature of men in a prison, that a clergyman of a different persuasion from a prisoner would be able to acquire that intimate knowledge of his character and disposition that his own clergyman could do?—Certainly not.

5062. Then do you think that his admonition and instruction would be attended with the same advantage to the prisoner as that of his own clergyman?—Certainly not.

5063. Are you of opinion that religious instruction in a prison is really an active means, or an influencing means, of reformation?—I have always found it so.

5064. Have you found it so from your own experience in Ireland?—Certainly, and I may state

state that I have had the most active and beneficial co-operation on the part of the chaplains of all persuasions.

5065. Would you apply the same opinion with reference to your experience in this country?—I have not had a sufficient insight into the results of religious instruction in this country to enable me to say so, but I cannot see why it should not be so. The class of Roman Catholic prisoners are mostly Irish, and I cannot see why they should not be susceptible of the same improvement here as they are in Ireland.

5066. And would you say from your knowledge of their circumstances that they come to this country under circumstances of peculiar disadvantage, and are not as amenable to religious influences as they might be in Ireland, and that therefore they would be under the necessity of having more special religious advantages?—I believe so; I think you would find that that is the experience obtained at the borough gaol at Liverpool, in which prison the Act is carried out. They have a very large Roman Catholic population, I should think something like 60 per cent. of the whole number of prisoners; it is a very large and good gaol.

5067. Do you know anything of the working of the system at Manchester and Salford?—Yes, I know the gaol. Mr. Hibbert, the Member for Oldham, is the chairman of the justices at Salford, and I know that they have thought it desirable to have a salaried Roman Catholic chaplain there.

5068. Is the adoption of that system working satisfactorily there?—I understand so, perfectly. I think that they have not very long adopted it. Then, again, there is the case of Preston, in the north. The authorities of the prison have published rules for their Roman Catholic chaplain. I do not know whether the Committee have examined anyone from Preston, in order to ascertain the system which is carried out there; but I have their rules here with regard to chaplains, and I can refer to them, if the Committee desire.

5069. That is a county gaol, is it not?—Yes.

5070. The authorities of which have got permission by these Acts to appoint a Catholic clergyman, and to pay him?—Yes, and they do pay him. At Preston the number of prisoners would be about 439, and about 142 out of that number would be Roman Catholics. I see that a Roman Catholic chaplain is appointed there, at a salary of 100 *l.* a year. Then, after the chaplain's rules come the Roman Catholic minister's rules, which are printed, and they give his duties in so many clauses; one of which, in particular, says, "He shall see the sick, pay special attention to juvenile offenders, and visit the prisoners confined in punishment cells;" but the Committee will, on reference, see that the whole routine is the same as is expected from the Protestant chaplain.

5071. Now let us go to the discipline of the prison; is it within your experience that appointing a Catholic clergyman, and giving him a status as an officer of the prison, interferes in any possible way with the discipline of the establishment?—Am I to understand that your question refers to England.

5072. To any prison within your experience?—As far as Ireland is concerned, I can say with confidence that it has not interfered in any way with the discipline of the prison?—With regard to England, my province has been principally to attend to the labour department, so that I cannot speak to that point with such certainty, but I do not see why it should interfere.

5073. Do you imagine that there would be any special difference between an English and an Irish gaol, so that what was attended with no evil or disadvantage in one country, would be attended with evil or disadvantage in the other?—I cannot see that there would.

5074. Do you think that it would be advisable to give the Roman Catholic chaplain the status of an officer of the prison?—It is given in the rules which I have quoted; the officers of the gaol are enjoined to treat him with the respect due to the Protestant clergyman.

5075. When the Roman Catholic clergyman is in that position which gives him confidence and authority, are you of opinion that it rather assists him in the administration of his duty than otherwise?—Clearly so.

5076. Now with reference to the prisoners, do you imagine that prisoners are so insensible to every feeling of justice and fair play, that they would not feel a certain sense of annoyance if they found their own clergyman simply tolerated and allowed to come in at times under certain restrictions, while the other clergyman had all the rights of a prison officer?—I can easily imagine that they would be very sensitive upon the subject.

5077. And you are of opinion that it would be better to allow no sense of injustice or wrong to dwell in the mind of a prisoner?—Certainly.

5078. Will you kindly give your opinion to the Committee as to what your advice would be upon this matter?—On looking through the return which was printed last February, I think upon the motion made by the honourable Chairman of this Committee, I observe that there are a very large number of gaols having a great proportion of Roman Catholics in which they have already a Roman Catholic chaplain; there are some few exceptions, but where the number amounts to a large proportion of the whole number, I observe that they have both Roman Catholic chaplains and salaried Roman Catholic chaplains.

5079. Do you observe that in four prisons within the Metropolitan district the Roman Catholic chaplain is permitted to attend, and that the authorities take his services, but in no instance do they pay him?—I have observed that.

5080. Do you think that it is a fair or a wise thing that a clergyman should be asked to give his services, and not be paid?—I can see no reason why the Roman Catholic chaplain should not be paid just as the Protestant chaplain is paid if he performs his duties.

5081. Mr. *Downing.*] What is the salary of the Protestant chaplain at Preston?—According to the Return, I see it is 350 *l.*

5082. The Committee are aware that you have had a good deal of experience in Ireland?—I have.

5083. Are you aware that Protestant chaplains are paid in the gaols in Ireland, where there are very few Protestant prisoners?—Yes.

5084. Are you able to say what is the smallest number of Protestant prisoners in any gaol where a chaplain is paid?—I should think, in the county and borough gaols in Ireland, as regards the great majority of them, it would be found that the number of Protestant prisoners at one time would be under 10.

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5085. Would that observation refer to so large a county prison as Cork?—Not to Cork, because Cork is a garrison, and therefore there would be a larger proportion of Protestants there.

5086. Would you be able to direct the attention of the Committee to the gaol which you now have in your mind, as containing only 10 Protestant prisoners, and yet being attended by a Protestant chaplain?—I could not direct the attention of the Committee to a particular gaol, but I should say that the great majority of them would have under 10 Protestant prisoners.

5087. In those cases where the number of Protestant prisoners is under 10, are you able to say what would be the salary paid to the Protestant chaplain?—I am not able to give the amount; it would vary.

5088. Are you at all acquainted with the administration of the Poor Law in Ireland?—Yes, to a certain extent; not specially.

5089. I suppose you are aware that Protestant chaplains are paid to attend the Poor Law unions in Ireland, although there are scarcely any Protestants in them?—That is so.

5090. And that where a large proportion of the guardians are Roman Catholics?—Yes.

5091. In your opinion ought not the gentleman who attends the gaol to devote the greater part of his time to the reclamation of his prisoners, and the other duties which a clergyman is called upon to perform?—Clearly; the rules in Ireland direct that he should do so; I have just handed in the rules of the Preston gaol, and you will find that in that case the justices do direct the attention of the Roman Catholic minister specially to juveniles and others, of whom they have stronger hopes of amendment.

5092. I presume that the Roman Catholic chaplain, in gaols where he is paid, is bound, at least once a day, to pay a visit to the gaol?—That would depend very much upon the arrangements of the gaol. I should say that he ought certainly to attend three times a week, it just depends upon the arrangements which the visiting justices make with him.

5093. And where there is a Roman Catholic clergyman, I presume you would consider that he should be paid as much as would be sufficient to keep him as a gentleman?—Yes; certainly.

5094. And that his remuneration should not depend upon the number of Roman Catholic prisoners there were in the gaol?—I think it should to a certain extent.

5095. But not entirely?—Not entirely; I think that principle is generally recognised.

5096. You would consider that a Roman Catholic chaplain appointed to a gaol ought at least to receive such an annual sum as would maintain him in life according to the position in which he was placed?—It would depend very much upon local circumstances, such as whether he had other duties to perform.

5097. I am speaking only of those large gaols?—In one of these large gaols where his time would be principally devoted to the prison, no doubt that would be the right plan to adopt.

5098. Mr. *Synan.*] What is the body that presents for the Roman Catholic chaplain's salary in Ireland?—The grand jury, I believe.

5099. Those are magistrates, are they not?—Yes, those are magistrates.

5100. That is substantially the same body which refuses salaries for the Roman Catholic chaplains in this country, is it not?—Yes.

5101. Are you aware of any prison in Ireland in which there is a Protestant chaplain, although for the previous six months there was not a Protestant prisoner there at all?—I am not aware of any such case.

5102. But it is not improbable, I suppose, that such may be the case?—It is not improbable, because there may have been an influx of prisoners at any time, or there may have been a corresponding absence of them.

5103. You spoke of some gaols in which there were less than 10 Protestant prisoners, did you not?—Yes.

5104. There may be some in which there are none at all, or in which the average would be under 10, may there not?—No doubt.

5105. Do you know the gaol for the county of Limerick?—Yes, I do.

5106. Do you know that there is a Protestant chaplain there?—There is.

5107. Did you ascertain whether there was a Protestant prisoner there at the time you were there?—I do not know. I did not go there to ascertain that point.

5108. Do you not think that the appointment of a Roman Catholic chaplain would contribute rather than otherwise to the discipline of the prison?—I quite think so. I see every reason why it should contribute to the maintenance of discipline and good order in the prison.

5109. You stated to the Committee that where the number of Catholic prisoners is large, the capitation principle would give an adequate salary to the chaplain?—Yes, I think that ought to be a principal element in the consideration, but not the only element.

5110. Where the numbers were large it would give an adequate salary to the chaplain, but where the number was small, under 15 for example, that would not be a fair principle to adopt?—No, it would not.

5111. We have had some evidence before the Committee, with reference to Catholic worship on the Sunday; we have found some prisons where the authorities refuse it; do you think, from your experience, that it would interfere with the discipline of the prison, or add to the expense, if there was a Roman Catholic service at a different hour upon the Sunday from the Protestant service in the same chapel?—Probably it would be necessary to increase the staff of warders to carry that out; that is the only expense that I can see would be likely to result.

5112. Are you acquainted with the borough gaol at Liverpool?—Yes, I am.

5113. Might not the same staff of officers be sufficient in some cases?—It would very much depend upon whether the actual staff in the prison was a large one; in some of the gaols you will find that there is a very liberal staff, and in such a case this arrangement might not cause an extra expense; but where the staff was a small one, it would be necessary to increase it by a warder or two for the purpose.

5114. Where the staff was liberal and adequate it would not add to the expense?—I think not.

5115. Sir *J. Trelawny.*] Supposing a case where there were only 10 Catholics and several hundred Protestants, I understand that in your judgment the value of the appointmentin such a case should have some reference to the number?—That is my opinion.

5116. Can you make any suggestion to the Committee with reference to the mode in which the

the Catholic prisoners should be provided for, such as that where the number were under 10, there should be a transference to other prisoners, or any other mode that might suggest itself to you?—I think there would have to be a special arrangement in a case of that kind, between the magistrates and the Roman Catholic chaplain.

5117. But would you give the Roman Catholic chaplain a salary equal to what would support him as a gentleman, supposing there were only 10 Roman Catholic prisoners?—It is very difficult to define what would support him as a gentleman; I think that that must be a matter, as I have said, of a special arrangement between the visiting justices and the chaplain.

5118. But there is no chaplain at first: I am taking a case in which the chaplain is not yet appointed; you can have no arrangement with the chaplain, unless the chaplain has been constituted?—But they might make an arrangement with any Roman Catholic chaplain in the locality. I think that must be a matter of agreement between the visiting justices and the chaplain, upon the best terms that they can make to satisfy him. I do not think that any individual can lay down what would be a proper salary for a minister with 10 or 15 or 20 prisoners under his charge; it must be a matter of contract.

5119. There would be many cases in which there would be no more than 10 Baptists or 10 Independents in a prison?—There would not, generally, be so many, I think.

5120. They might, possibly, ask for their minister in the same way, supposing a Catholic minister were appointed for a number under 10?—It is very unlikely that you would ever find so large a number as 10 Dissenters of different creeds in a prison; exceptional cases must be a matter of contract; we all know that it would depend very much upon the locality; there might be two or three Roman Catholic clergymen there with other work, and then they would take a lower salary than they would do under other circumstances. I can hardly give an opinion with reference to what should be the salary for 10 or any smaller number of prisoners; it must, I think, and as I have already said, be a case of special contract.

5121. Mr. *Guest.*] I understood you to say that where the number ranges from 10 to 15 or 20, you think it ought to be a matter of contract between the visiting justices and any Roman Catholic priest residing in the neighbourhood; where would you fix and limit the contract with the visiting justices; for if this is to be a matter of legislation you must lay down some hard and fast line upon which you will pay the salaries of Roman Catholic chaplains?—I do not consider legislation should fix salaries; there is no hard and fast line with reference to the salaries in any gaols; it is not so in the case of Protestant chaplains; I do not think that you could lay down any hard and fast line.

5122. What I wished to know was in a matter of this kind which we are now investigating, whether it would be advisable to pay the Roman Catholic priest for his services in the gaol. I understood you to say that where there were only 10 or 15 or 20 Roman Catholic prisoners, it should then be left to the visiting justices to contract with some gentleman to give his services. Would you say that from 20 upwards it should cease to be a matter of contract?—No; I should not fix the number at 20, but I should think that when the number got large, they would very likely take the capitation view of it.

5123. Mr. *Knatchbull-Hugessen.*] Would you leave it to the discretion of the prison authorities whether they should or should not give a salary after a certain number of prisoners had been arrived at?—My impression is that the Roman Catholic chaplains should all receive a salary.

5124. You did not mean by your last answer to the honourable Member for Poole to convey the idea that you would still leave it to their discretion, as it is left at present?—No, my answer related merely to the amount of salary.

5125. Do you think that there is any other way by which the amount of salary can be pointed out to the prison authorities than by the fixing of a minimum salary by Act of Parliament?—I should be against fixing any scale by Act of Parliament.

5126. Would you abolish or put an end to the discretion which is now left to the prison authorities with reference to the appointment, but at the same time leave it to their discretion to fix the amount of salary?—I should leave it to their discretion to fix the amount of the salary; but even if that clause of the Act which is now permissive, that is to say, the 3rd clause, which says, "Where the number of prisoners contained in any prison," were made compulsory, but left open as to the number, you would always be liable to the visiting justices saying that there was not a sufficient number of Roman Catholic prisoners to make the appointment necessary. Some justices might fix 20 and others would say that 40 should be the limit; I think myself that the best way to fix it would be that it should be left to the discretion of the Home Secretary to say whether he considers the number of Roman Catholics in the prison is sufficient to justify the appointment being made, and that in all cases where he does consider it sufficient the appointment should be compulsory.

5127. Would you leave it to the discretion of the Home Secretary to fix the salary, or would you leave the amount of the salary to the discretion of the prison authorities?—I would leave the amount of the salary to the discretion of the prison authorities.

5128. Do you not think that the same feeling (not to use a harsher word) which has led various bodies of magistrates to refuse the appointment of a Roman Catholic chaplain where there are already large numbers of prisoners in the gaol, might lead them to give him a very inadequate salary when they were obliged to appoint him?—I apprehend that a minister would refuse, if the salary was not adequate, to perform the service, and therefore the prison authorities would be driven into coming to fair and reasonable terms with him.

5129. But how would the prison authorities be driven into coming to fair and reasonable terms with him if you left the amount to their discretion?—Because they would be bound to appoint a Roman Catholic clergyman to perform the duties under the statute when made compulsory, and if the Roman Catholic clergyman refused to perform the duties because he was not paid sufficiently, they would be obliged to give him an adequate salary.

5130. If it were left to their discretion as to what an adequate salary was, might not their views differ very materially from the views of the Roman

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Roman Catholic chaplain?—Yes; but that would lead to the Roman Catholic chaplain declining to act until they gave him an amount which he considered sufficient.

5131. Then when things had come to a dead lock, what steps would you take?—I do not apprehend that it would come to a dead lock, because we have already Roman Catholic clergymen performing the duties of chaplains without any salary at all.

5132. Take the case of Coldbath Fields, where there are 395 Roman Catholic prisoners, and nothing is paid to their chaplain; do you not think that the same persons who refuse, under the present circumstances, to pay anything to the Roman Catholic chaplain would be very likely to give him a very inadequate salary; what remedy would you propose for their still carrying out their present ideas of their duty in that way which you would still leave open to them?—They would be compelled to appoint a Roman Catholic chaplain, and the Roman Catholic chaplain would say, "Unless I am properly paid, I cannot perform my duties;" and they would then be obliged to get some other minister.

5133. Would you not wish for some other power to compel them to pay an adequate salary?—I see no way of obtaining it.

5134. Would not the difficulty be met by introducing some scale into the Act of Parliament?—I think that would be a difficult matter, as the numbers fluctuate very much.

5135. Is not the only way of settling these matters to strike an average?—I think it would be quite exceptional that anything like a collision would occur when the Act is made compulsory, and therefore it is hardly necessary to do so. With regard to Coldbath Fields prison, we know that there are a large number of the Middlesex magistrates who are in favour of having a Roman Catholic chaplain, and paying him, although they do not happen to be in the majority; if it was found, when he was there as an appointed officer, that no difficulties occurred, I do not think the justices would deal with the matter in an illiberal spirit.

5136. You think that when a body of men have refused to do a thing which the law did not compel them to do, when they were compelled to do it, they would meet the case in a friendly spirit?—That is, under the circumstances, my belief.

5137. And if they did not, you would provide no further remedy for this state of things?—I confess that I see a great difficulty in laying down the amount of salary that they should be compelled to give.

5138. You would not give any appeal to the Home Secretary in case of difference between the Roman Catholic priest and the prison authorities?—I should infinitely prefer that an adequate salary should be given, or what the Home Secretary might, in these exceptional cases, consider adequate.

5139. Do you think that, lest cases should occur, it might be well to enact that the Home Secretary should have the controlling power, or that he should refer the matter to the Directors of Convict Prisons for their opinion?—I do not think the Directors of Convict Prisons would be able to form any particular judgment upon the matter; I think it would be desirable to leave these cases to the discretion of the Home Secretary.

5140. Now with reference to the case of a Roman Catholic minister who lived at some distance from the gaol, and who might be appointed, supposing this Act were amended, would you insert any provision in the amended Bill to allow his travelling expenses?—No; I think it would complicate matters very much to have anything of that kind introduced; I should rather prefer it to be a contract between the two parties; the travelling is a point which would be taken into consideration, no doubt.

5141. You would rather leave that matter to the discretion of the prison authorities, to be taken into consideration when fixing the salary?—I would.

5142. Supposing the case that was put to you, of there being only some 10 or 12 Catholic prisoners in a gaol; that is to say, not a sufficient number to warrant the appointment of a Catholic priest specially to attend to them, do you think it would be possible to arrange some scheme by which the prison authorities at one county prison might arrange to take prisoners from another, so that it might be done with county prisons as it is done amongst convict prisons, in some of which only they receive a certain class of prisoners, a chaplain being appointed for those prisoners?—I think there would be difficulties attending it which would outweigh the convenience.

5143. You would agree that the power might be given to the Secretary of State to transfer such prisoners, provided the agreement was made between the prison authorities?—There would be no possible harm in giving him the power; but I think it would be a power that he would hesitate to use, as it would give a considerable amount of trouble.

5144. Take, for instance, the case of Maidstone prison; would there be any harm in allowing the justices of Surrey and Sussex to make an arrangement by which all their Roman Catholic prisoners should be sent to Maidstone prison, a contribution being given by the other counties for their share of prisoners?—That might answer very well in the case of long sentences; but in the case of short terms there would be great difficulties in the way.

5145. Is it not with reference to long sentences that it is the more necessary to provide religious instruction?—Clearly.

5146. Is it by the same Act and by the same body that the Roman Catholic and the Protestant chaplains are appointed in Ireland?—Yes; they are appointed by the grand jury.

5147. Is there any salary stipulated for in the Act?—No.

5148. It is left to the discretion of the grand jury in both cases, is it not?—It is left to the discretion of the grand jury.

5149. Mr. *Matthews*.] If I understand your view, it is this; that where the Secretary of State thinks the number of Roman Catholic prisoners sufficient to justify the appointment of a chaplain, you would make the appointment compulsory upon the visiting justices?—I would; that is my view.

5150. But you would leave the visiting justices to fix by private contract with the Roman Catholic chaplain the salary that they would pay him?—Yes.

5151. And therefore, supposing the visiting justices offered a minister a salary which he refused to accept, no appointment would be made?—No appointment would be made.

5152. What

5152. What do you conceive would be the remedy to compel the visiting justices to pay him an adequate salary?—I believe that such a case would be very exceptional, as you find Roman Catholic clergymen are now in the great majority of prisons, attending without any salary at all; I think, therefore, there is not likely to be any difficulty between the visiting justices and chaplains in that respect.

5153. They do that now, as a matter of religious zeal and duty; but if they were by law entitled to a salary, they might reasonably claim an adequate and sufficient salary in their judgment, might they not?—Certainly.

5154–5. And supposing the view of the visiting justices did not accord with theirs, and no appointment was made, do you see any remedy for that state of things, except the indictment against the visiting justices?—In country districts difficulties might happen where there were no Roman Catholic priests; but it is in large towns where large gaols are that you generally find many Roman Catholic clergymen, and if one Roman Catholic clergyman would not accept the salary another might.

5156. On the other hand, supposing a priest chose to be unreasonable and said, "I will not take less than 300*l.* a year," he would be free to do that?—Yes.

5157. And the visiting justices would be obliged to take him upon his own terms?—But it has been suggested that an appeal should be left to the Home Secretary; he would decide that the visiting justices had done their best in the matter, and would hold them free, but I should consider it quite an exceptional case, and one unlikely to occur.

5158. Mr. *Synan.*] Why would that case be exceptional; would it be exceptional by reason of the visiting justices changing their opinion upon the subject, or by reason of the Roman Catholic chaplain, from religious zeal, being willing to accept an illusory salary?—I think both parties would be inclined to meet in a case of that kind. The visiting justices being compelled to make the appointment would be inclined to give what was fair and liberal to the Roman Catholic clergyman, and he would, I believe, be inclined to accept what was fair and liberal; and therefore to my mind it would be exceptional that such a thing should take place.

5159. You think it would be exceptional for both reasons; a change of opinion upon one and a determination upon the other to accept a small salary from religious motives?—Yes; from wishing to do his duty, because I find the same persons are, in many cases now, working without salary at all.

5160. Do you think it fair that such a pressure as religious zeal should be put upon a man to induce him to accept an illusory and inadequate salary?—No, I think that the labourer is worthy of his hire.

5161. How would you carry that out, so that the labourer should get what was his hire?—I think the justices would give him that.

5162. Have you looked at the returns?—I have.

5163. Have you found that there are three prisons in which the Catholic prisoners number 300, where the visiting justices refused to give any salary at all; and that there are 20 where the average is over 100, where they have refused to do the same thing; and do you suppose that there would be such an entire revolution in the minds of those gentlemen, that they would alter their entire course of proceedings if the amount of salary were left to their discretion?—I think there would be a great difference when it once came to be compulsory instead of permissive.

5164. But they might comply with the appointment and refuse an adequate salary, might they not?—I do not believe that it is so much the question of salary that the justices are hesitating about in Coldbath Fields, which, I presume, is the prison you are alluding to in particular, as a question of opinion on the part of the magistrates with regard to the appointment.

5165. They comply with the Act at present by allowing the chaplain to visit, and all they refuse is the salary?—If you look at the return you will see that there are many gaols which now have salaried Roman Catholic chaplains, which previous to the passing of the Prison Ministers Act had refused to have Roman Catholic chaplains at all; and certainly as regards one of them, I may mention the Salford gaol at Manchester as an instance, it is only within the last year and a half that they have appointed a Roman Catholic minister with a salary; the justices have changed their minds in that respect, and I think I can name others who have done the same.

5166. You think, then, that the justices of Westminster and the Aldermen of London at the prison at Holloway, and all the others who have not changed their minds, but only continued their former course, will follow the example of the Salford prison authorities?—I believe that they would do so in time. I have seen other prison authorities changing their minds since the passing of this Act, and I believe these also will do so.

5167. Sir *John Pakington.*] If I followed rightly the answers you have given, you seem to object altogether to laying down any scale of salaries for the Roman Catholic prison minister on the face of an Act of Parliament?—I do.

5168. May I ask your reasons for objecting to laying down such a scale?—One reason would be that the number of Roman Catholic prisoners varies so much in different prisons; there would one year, or part of a year, be a large number, and another year there might be very few Roman Catholic prisoners. I can speak with regard to Winchester Gaol, in which, from various causes, they have at times only a few Roman Catholics confined there, and at others about 40. I think it would be very difficult to lay down by Act of Parliament that there should be any fixed salary.

5169. I presume that you do not mean to express to the Committee by that opinion that you would consider the spiritual interests of a Roman Catholic prisoner as being less worthy of care than the spiritual interests of a Protestant prisoner?—No; I said otherwise at the commencement of my examination.

5170. Would the difficulty which you seem to anticipate be in your mind diminished if the Act of Parliament were to lay down a scale of numbers, and were to allot to each of those numbers a maximum and a minimum salary at the discretion of the prison authorities?—I can only repeat my opinion that I would rather not have that upon the face of an Act of Parliament. I do not see why it should be laid down in the case of Roman Catholics rather than for chaplains of any other persuasion.

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5171. You do not dispute the propriety of paying an educated gentleman who fulfilled the functions of a Roman Catholic minister for the spiritual duties he performed, just as you would pay a Protestant minister?—Certainly not.

5172. But what should be the amount of such payment you would leave to the prison authorities or to the Home Secretary?—I would leave it to the prison authorities, but I see no harm in letting the interpretation of the term "adequate salary" be left, in case of dispute, to the discretion of the Home Secretary, and that he should have the approval or disapproval in case of the salary being reported to be inadequate.

5173. Do you mean that the Home Secretary should lay down a scale of salaries?—I should not mind his laying down a scale for his own guidance, but that would be a different thing from laying it down in an Act of Parliament.

5174. If a scale were not laid down, either in an Act of Parliament or some other place, there would be great risk of unseemly discrepancies between the amount paid to the Roman Catholic chaplain at one place and at another?—It is so now with the Protestant chaplains; it varies in different boroughs and counties.

5175. But owing to long custom those discrepancies are not serious in amount?—I think they are, and I cannot see why the Roman Catholic chaplains should have their salaries laid down in the statute, when it is not required in the case of Protestants.

5176. Is it the result of your experience with regard to Protestant dissenting prisoners that it is in any case desirable to appoint a minister of their own persuasion?—I do not think that it is desirable or necessary to make such an appointment.

5177. I presume that the reason why you have expressed such an opinion is that the difference between one class of Protestants and another is not sufficiently broad and distinct to make it desirable that there should be a separate minister appointed?—Yes; in some gaols you would find that some were Baptists and some were Independents, and you would find it difficult to attend to them all.

5178. But there would be real hardship and injustice in compelling a Roman Catholic prisoner to join the Protestant worship, would there not?—Certainly.

5179. But I assume that you would consider it no injustice to compel a Baptist, or a Wesleyan, or an Independent, to receive for a time his spiritual instruction from a Church of England minister?—Not in my opinion.

5180. Mr. *O'Reilly.*] You mentioned, as showing the difficulty of fixing the salary, that the number of prisoners in some prisons varied exceedingly from year to year, and you mentioned Winchester: do you not think that, supposing the number of prisoners varies from year to year, the salary also should vary from year to year?—No; I think that would be a very inconvenient arrangement.

5181. You expressed your opinion, if I gathered rightly, that the justices who admininster the county gaols in England, in your opinion, might be safely trusted to fix always an adequate salary when they appointed a Roman Catholic chaplain to attend the prison?—That is my belief.

5182. You mentioned that that belief was founded upon an examination of the Return which is before the Committee?—Yes, principally.

5183. Let me call your attention to the borough gaol of Usk, in Monmouthshire; the number of prisoners for any one day is not given, but the number for the whole year is given: the number of prisoners belonging to the Church of England is given for the year as 815, and the chaplain of that persuasion receives a salary of 200 *l.* a year; the number of Roman Catholics during the same period was 470, and the salary paid to the Roman Catholic chaplain by the justices of that gaol appears to be 25 *l.*; would it not strike your mind, as it does mine, that that is rather illustrative of the tendency upon the part of the justices, not to fix adequate salaries?—Those returns have been given in rather an extraordinary manner. I see it is signed, but I cannot help thinking that there must be some very great mistake. I cannot believe that 470 Roman Catholics were in Usk gaol, or anything like that number, in proportion to the number of Church of England prisoners, which is 815: but if you ask my opinion, I should say that the salary is very inadequate.

5184. You think that that return is probably innacurate; but assuming for a moment that it is accurate, you would consider that that was an instance in which the justices had fixed an inadequate salary?—I should, decidedly.

5185. Sir *J. Pakington.*] Let me ask whether, in your opinion, the Roman Catholic minister appointed to the prison ought not to be recognised as one of the regular officers of that prison?—Certainly he ought.

5186. Mr. *Downing.*] In answer to the Right honourable Baronet, I understood you to say that you would make no distinction between the status of a Protestant clergyman and of a Roman Catholic clergyman?—None.

5187. Would you consider that the Roman Catholic clergyman ought therefore to be paid upon the same scale as the Protestant clergyman, if he had an equal number to attend to?—There really is no scale for the payment of the Protestant clergyman.

5188. Supposing there was, you say that they ought to have the same status in the goal; should they not therefore be paid according to the labour which they perform?—I must qualify my answer with regard to that: it would depend very much upon the duties they were given to perform. In some prisons the visiting justices require much more than they do in others; in the Preston Gaol the rules require the Roman Catholic clergyman to do as much as the Protestant clergyman; but in many cases it would be otherwise. In some instances the priest might attend thrice a week, and in other cases the Protestant clergyman might attend twice a day.

5189. Laying aside those questions, you are acquainted with the respective duties of a Roman Catholic clergyman in Ireland, are you not?—Yes, I am.

5190. Are you not aware that the discharging of the duties of a Roman Catholic clergyman is much more onerous than in the case of the Protestant clergyman; that he is obliged to devote more time?—He does devote more time in Ireland.

5191. I think there was some mistake in this respect; you stated that in the event of a Roman Catholic clergyman contesting with the visiting justices for a salary, if one Roman Catholic clergyman refused it another might take it; are you aware that no Roman Catholic clergyman can take

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take such a course as that without the assent of his bishop?—I believe they would have to get the consent of the bishop; but I think that would be a protection rather than otherwise, and would facilitate a contract between the two parties.

5192. Let us suppose this case: that the visiting justices of a gaol where there might be a very large number of Roman Catholics, from one cause or another, as you said awhile ago, though they were obliged to appoint a Roman Catholic clergyman, gave him a very inadequate salary, say 10 *l.* or 15 *l.*, would you then appeal to the Home Secretary, or how would you otherwise have matters arranged?—I should not at all object, under those circumstances, to appeal to the Home Secretary.

5193. Do you think that would meet the difficulty?—I think it would.

5194. And you would like also to have uniformity to some extent in reference to the salaries paid to the Catholic clergymen; if you will turn to the top of page 6 of the return, you will see, under the head of "Chester County Gaol," that the number of Protestant prisoners is 69?—Yes.

5195. Do you see that the salary is 300 *l.* per annum?—I observe it.

5196. Now if you refer to the opposite page, No. 7, the Cornwall County Prison, you will find that the number of Protestant prisoners is 65; that is only four less than Chester, and there the Protestant clergyman receives 100 *l.* a year?—That is so.

5197. Now go to the Derby prison, and you will find that there were 1,950 Protestant prisoners in that prison, and that the Protestant chaplain got 250 *l.*; how can you account for that?—That was exactly what I was stating in the earlier part of my evidence, namely, that you would find that there was no scale laid down for the payment of the Protestant chaplains.

5198. Sir *J. Pakington.*] Their salaries vary, do they not, according to the length of service?—They do; and also as to residence, and the time employed.

5199. Mr. *Downing.*] Now let me again refer you to the Liverpool borough prison, at page 15; you will find that there are 323 Protestant prisoners there, and that the Protestant chaplain gets 400 *l.* a year, with a house, coals, and gas?—I observe that.

5200. Do you find that the number of Catholic prisoner is 570; that is 240 more than the Protestants?—Yes; that is so.

5201. And that the Catholic chaplain gets but 300 *l.* per annum; you do not approve of that, according to your earlier evidence?—The Protestant chaplain's salary appears to be in that case higher than it is in any other, but the Roman Catholic chaplain's salary appears to be the most liberal one that is given. I happen to know that the Protestant chaplain at Liverpool has had a very long service, and it is quite probable that he began at 250 *l.*, and is now at his maximum of 400 *l.* a year; whereas the Roman Catholic clergyman has, I believe, a much shorter service.

5202. Mr. *Synan.*] Supposing you were informed that any of the justices or prison authorities had stated to this Committee that they had refused, and would continue to refuse, a salary to the Roman Catholic chaplain, would that in any way alter your opinions with reference to having the salary or a minimum scale fixed by Act of Parliament?—No, that would not alter my opinion, as I have read that they have done so in the reports of the quarter sessions constantly. As I said before, in that case there should be an appeal to the Home Secretary, and he should judge whether the salary was adequate or not, having reference to the number of prisoners.

5203. Mr. *Talbot.*] Is it not your impression, from the intercourse which you have had with prison authorities, that when once a thing is expressed in an Act of Parliament the magistrates will carry out the intention of the Act liberally?—I have always found them do so.

5204. Therefore, if it were expressed in an Act of Parliament that a reasonable salary should be given where a proper number of prisoners were confined, you are of opinion that the magistrates would carry out that enactment liberally?—Yes, I believe they would do so.

5205. The reason that they have not done that hitherto has been that there was no compulsion upon them to give a salary under the Act of Parliament?—I think so.

5206. Lord *Pelham.*] As the law stands at present, could the magistrates escape from appointing a Protestant chaplain by offering him an illusory salary?—No, they could not escape from it any more than in the case we are supposing; it would be a parallel case.

5207. Then if this power were made compulsory, it would apply equally to the Catholic clergyman?—Certainly.

5208. *Chairman.*] Are not the prison authorities bound by law to have a Protestant chaplain in every gaol?—Yes.

5209. Does not the Act of Parliament require it?—It does.

Mr. Henry Wren, called in; and Examined.

Mr. *H. Wren.*

5210. Mr. *Guest.*] You are Governor of the Glamorgan County Gaol, at Cardiff, are you not?—Yes, I am.

5211. How long have you been there?—A little over two years.

5212. Will you tell the Committee what is the average number of Roman Catholic prisoners in that gaol?—Between 40 and 50.

5213. The Roman Catholic priest is allowed to see the prisoners in any cell that happens to be vacant at the time, is he not?—He is.

5214. They are sent to him?—They are.

5215. How do you determine who are to go to him?—The prisoners are all asked if they wish to see the Catholic clergyman, and those who express that wish are allowed to see him.

5216. How often does the Roman Catholic priest visit the prison?—He visits the prison twice a week.

5217. Is that by order of the visiting justices?—Yes.

5218. Is there any restriction as to the time he is allowed to remain in the prison on those days?—None whatever.

5219. Is it a fact, or not, that the majority of the Roman Catholic prisoners attend the Protestant service?—It is a fact that they do.

5220. Is there any persuasion or pressure used by

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by the warders to induce them to do so?—None whatever.

5221. Has Mr. Signini ever made any complaints to you of there having been persuasion used on the part of the warders?—Yes, he has.

5222. Did you pay attention to those complaints?—I investigated the matter, and have paid attention to it ever since.

5223. Did you find that there was any truth in that statement?—There was no truth in it, as far as I could discover; there was no disposition on the part of the warders to force the prisoners in any way.

5224. You have seen Mr. Signini's evidence, have you not?—Yes, I have.

5225. Do you notice that he says that "The prisoners have told me over and over again that the cell doors are thrown open with the announcement that service is going to begin, and the warders say, 'Are you going?' or, 'Make haste;' 'It is time;' or, 'Why do you not go?'" do they make use of such expressions?—They do not; they simply make use of one expression; they unlock the door, and say, "Church;" if the prisoner wishes to go to church, he goes out; and if he does not, he shuts his door and stays in his cell. Those expressions, "Make haste," and such like, may be made use of to a man who is walking slowly along the corridor; the prisoners acquire a slow lumbering gait, and that expression may be used to quicken them.

5226. But those expressions are not used to induce a man to go to the Protestant chapel against his will?—No, certainly not.

5227. Is there any difference between the way in which the Protestant Dissenters and the Roman Catholics receive the visits of the chaplain?—No, there is not.

5228. They are all visited by the chaplain in the cell?—They are.

5229. And is it the case that he uses the opportunity of visiting them for the purpose of proselytism?—I should think not; I never heard of any case of the kind.

5230. Has it ever been brought to your notice that Roman Catholic prisoners have been prevented from seeing the priest when they desired to do so?—They were always sent to him when they desired to see him; I have never known an instance of their being prevented.

5231. Are they sent to him when they are at labour?—Yes; they are sent to him from the wheel, or from the garden labour, or from the mat making. The warder goes in and asks, "Is there anyone of you who wish to see the priest?" and the one who says, "Yes," is allowed to do so immediately.

5232. With regard to the Parliamentary Report which was sent up by you, it states that "prisoners of all denominations differing from the Established Church accept gratefully the visits of the appointed chaplain;" is that so?—It is so.

5233. Are those words here quoted from the chaplain's report?—They are taken from a report, drawn up by the visiting justices for the Parliamentary Return which was called for.

5234. And not by the chaplain?—Not by the chaplain.

5235. Has any report of the chaplain's ever appeared in the Cardiff journals?—It has not; The chaplain tells me that it has not.

5236. Is it, or is it not a fact, that books, the tenor of which is against the Roman Catholic faith, are placed in the cells of Roman Catholic prisoners?—They are not; I have only seen one controversial book since I have been in the prison; I took it into my office out of the way, and I think it was there that Father Signini saw it.

5237. Who chooses the books that are put into the cells?—The Roman Catholic priest brings them himself, and the Protestant chaplain also gives the prisoners books to read.

5238. In answer to a question that was asked by an honourable Member, of the Committee: "Looking at the ordinary class of prisoners, is it not very unlikely that they might not be particularly desirous always to see their priest?" and the answer is, "There are some very few cases in which such is the fact." And then he is asked: "Would not that apply equally to Catholics and Protestants, that a person who is sunk in vice might shun the visits of a minister of religion of his own or another persuasion?" and the answer is, "I think that when that happens they force the Protestant prisoner to attend." Are the Protestant prisoners forced to attend?—Never.

5239. In answer to a question put by the honourable Chairman: "Is there anything further that you wish to represent to the Committee?" Father Signini says, "I wish to state this: for a long time after the commencement of my attendance, I was under the impression that the number of Roman Catholic prisoners shown by my list as being actually inmates of the gaol was generally much larger than the number of those brought together for instruction into the chapel. I once accidentally compared the number present with those whom I knew to be in the gaol, and I found a very remarkable difference of about one-third. I looked over the previous entries (I generally put down the number that attend each time), and I found that that had been the case a great many times. I thought that, of course, was wrong, that not sufficient attention was paid to informing the prisoners of the presence of their clergyman in the gaol; and I remonstrated upon it." Is that the case?—It is not the case; if he had named it to me, I should have inquired into it. I should think the decrease in the chapel would be in consequence of the daily discharge which takes place about the time of the reverend gentleman's ministrations; the discharge generally takes place about 10 in the morning. If the Rev. Mr. Signini had made that complaint to me it would, probably, have been explained fully.

5240. In answer to Question 3465, "Perhaps that 'gratitude' which is mentioned in this public return might very well bear that interpretation which has become a common expression, namely, 'a strong sense of favours to come.' I do not know whether you ever heard that expression?" Mr. Signini said, "That would be about the key of the whole thing." Is it possible that the Protestant chaplain in any way bestows any favour whatever upon the prisoners?—I cannot conceive that he can do so; I know of none.

5241. Can he relax their labours in any way?—I think not.

5242. Have you anything further to say to the Committee with reference to the statements made by Father Signini?—I am not aware that I have.

5243. Mr. *Knatchbull-Hugessen.*] An honourable Member asked you, with regard to Question 3548, "Would not that apply equally to Catholics and Protestants, that a person who is sunk in vice might shun the visits of a minister of his own

own or another persuasion?—I think that when that happens they force the Protestant prisoner to attend." Is it not the case that the Protestant chaplain has a right to visit the prisoners, whether they desire to see him or not?—Yes; he has a key of the cells.

5244. Do you not gather from that question and answer that the discretion which is left to a Catholic prisoner, as to whether he will or will not see his priest, is not left to a Protestant prisoner, but that he is obliged to receive the visits of the Protestant chaplain when the chaplain chooses to make them?—The Protestant chaplain can visit a prisoner if he thinks proper, and so could the Roman Catholic priest.

5245. Even if a prisoner had not asked to see him?—Yes.

5246. But as regards that particular question, it is true that, whether or not a Protestant prisoner wishes to see the chaplain, the clergyman has a right to go into the cell?—He has a key, being the authorised chaplain under the Act.

5247. And with regard to the expressions alleged to have been made use of by the warders, you would not always be present to see if any such expressions were used?—I have always given orders to the contrary, and I have concealed myself to see what their conduct was, and I never discovered their making use of any such expressions.

5248. When you say there is no marked difference between the Catholic and the Protestant prisoners receiving the ministrations of the Protestant clergyman, do you say that from your own knowledge?—I say that from my own knowledge.

5249. Are you always present when the chaplain is visiting the prison?—I am not present with him; I am about the prison.

5250. Do you think you can speak positively to the fact that there is no marked difference between the way in which they received the visits of the Protestant clergyman?—I think I can; I am sure I can.

5251. Now, with reference to this passage, "Prisoners of all denominations differing from the Established Church, accept gratefully the visits of the appointed chaplain;" who gave that information?—The visiting justices know it themselves from their visiting the prison, and I know it myself from being in the prison.

5252. Do they know it from a report furnished to them by the Protestant chaplain?—They would know it both from their own experience and from a report.

5253. A report is furnished to them by the chaplain, is it not?—Yes, a report is furnished to the quarter sessions.

5254. And that would be the truth in this case?—I do not know that; I have never seen that report.

5255. But if the visiting justices are to ascertain the truth of what has passed between A. and B., they must seek to obtain that information either from A. or B.?—Yes; they must obtain it from the prisoners; they visit the prisoners and obtain the information from them.

5256. Do you think that if they obtain that information from the prisoners they would publish it in a report, unless it was confirmed by the clergyman?—I suppose they would not.

5257. And probably it would be stated upon the authority of the clergyman?—I cannot say that it would be upon his authority altogether.

5258. *Chairman.*] If any question arose with reference to the discipline of the prison, and the justices required information upon that, or upon any matter within your own province, you would be the person upon whom they would come for information?—Yes, certainly.

5259. Then, in any matter of religious instruction in the prison, is not the chaplain a very proper person from whom to get instruction upon that head?—Yes; I should say so.

5260. In this case, therefore, upon what authority would they rely to justify them in putting that information before Parliament?—They would do so from their own inquiry.

5261. From whom?—From the prisoners.

5262. Do you think it is from the prisoners, or from the officers of the prison that the justices would make such an inquiry?—I think it would be from their own observation, and from information supplied to them by the chaplain and myself.

5263. How many visiting justices are there?—I think there are 16.

5264. How many of those gentlemen attend during the week?—Two or three, or three or four.

5265. What times do they attend?—They attend at uncertain times, but generally from one to three in the afternoon.

5266. Do they attend at the time when the Protestant clergyman is giving religious instruction to the prisoners?—I have seen them present in the chapel.

5267. Constantly?—No.

5268. Then they do not attend constantly?—No.

5269. Of what advantage would their very little experience be, in order to form an opinion upon so very important question as that?—They visit the prisoners separately.

5270. Do you think that they would ask the prisoners whether they liked to receive the visits of the Protestant clergyman?—I do not accompany them when they go to the cells.

5271. Why do you say that they would make that statement from information supplied by the prisoners?—I say it would be partly from information supplied by myself, and partly from the chaplain.

5272. But do you adhere to what you said, that the visiting justices obtained that information from the prisoners?—I am never present with them, and I do not know from my own knowledge how they obtained it.

5273. Do you not think it very likely that upon a religious subject they would inquire of their own officer?—Very likely; no doubt they would.

5274. You stated that there was no persuasion used to induce the Roman Catholic prisoners to attend the Protestant service on Sundays?—No; there is not.

5275. There is no Catholic worship on Sunday it is not permitted in your goal, I believe?—It is not.

5276. Are you aware that a prisoner is very unwilling to be locked up in his cell while other prisoners are attending the chapel?—I daresay the prisoners would be glad of any relief.

5277. There is no Catholic service, but there is a Protestant service upon the Sunday; that is so?—There are two Protestant services.

5278. At all events, there is no Catholic service in the morning, I believe?—There is none.

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5279. Are not the Catholics very anxious to go to the Protestant service because there is no service of their own?—I do not know that that is the reason; I know that they go to the Protestant service.

5280. You state that they are very willing to escape from their cells for an hour?—Yes, they are.

5281. And here is an opportunity afforded to them of doing so?—Yes.

5282. Is it not likely that they should avail themselves of an opportunity of getting out of their cells?—No doubt.

5283. Even if there was a second service, do you not think they would be glad to attend that?—They do attend it.

5284. The prisoner would be as glad to have a second hour out of his cell as the first?—Very probably he would.

5285. Sir *John Pakington.*] You stated that at a certain hour of the day the cell doors were thrown open, and a warder announced "Church," and then the prisoners who desired to attend come out of their cells?—That is so.

5286. Did you mean to convey to the Committee that a discretion is allowed to the Protestant prisoners, whether they will or will not go to the Protestant worship?—Yes, if they really had any conscientious objections; but I never heard anybody make one.

5287. Is it the rule, that when his door is thrown open the prisoner is expected and required to go to the Protestant worship?—Certainly.

5288. Mr. *Downing.*] I wish to call your attention to this observation in this Return, where it says that "Prisoners of all denominations, differing from the Established Church, accept gratefully the visits of the appointed chaplain, and attend the services in the chapel." You have read the evidence of Father Signini?—I have.

5289. Do you agree with him in his answer to Question 3413: "Do you think they gratefully accept the visits of the appointed chaplain; that is the Protestant chaplain?" He says, "I think his visits are accepted gratefully, but that requires an explanation; they are accepted gratefully on the principle that a poor creature who is severely punished by solitary confinement is very glad of any chance of breaking the silence by speaking to any one who visits him as a friend, as they thereby get a little relief?"—Yes; no doubt there is a great deal of truth in that.

5290. I take it for granted that you would not like to go to a place of worship when you did not believe in the doctrines of that church?—No, I should not.

5291. But if you were in a solitary cell you would be very glad to get relief from your confinement by going there?—I should.

5292. The Rev. Mr. Signini was not allowed to celebrate mass, I believe?—No, he was not.

5293. Nor was he allowed to celebrate any religious service of the church in the gaol?—No, that was the resolution; you will find that resolution quoted in the evidence.

5294. You were asked a question with reference to the very words quoted in this report having appeared in the local journals in Cardiff?—It has not so appeared.

5295. Did you read the evidence of Mr. Signini that he had read it there?—I have told that gentleman that he was mistaken, and he has admitted that, perhaps, he was mistaken; he said he thought he had read it, but that if it was not published he could not have done so.

5296. Was not this report read at the quarter sessions?—No.

5297. I mean the report of the visiting justices?—No.

5298. Do you mean to tell the Committee that it was not read at the quarter sessions?—No, it was not.

5299. Do not those very words occur in a report which was read at the quarter sessions, that "prisoners of all denominations, differing from the Established Church, accept gratefully the visits of the appointed chaplain"?—I did not hear that read at the quarter sessions.

5300. Did you read that report?—I did not.

5301. Then you cannot take upon yourself to say that it was not in that report?—I believe it was not.

5302. Mr. *Synan.*] Have you a Creed Register?—We have.

5303. Are the Roman Catholics entered in that Creed Register?—Yes.

5304. And is there a copy of that Creed Register given to the Catholic chaplain?—He has access to everything he requires.

5305. Is there a copy of it given to him?—I do not think that a copy is given to him, but he has all the statistics he asks for.

5306. Some of the prisoners, according to Father Signini's evidence, stated to him that they had not attended his visits, because they were not invited; and on being asked why he did not visit them all, he stated that it was because he did not know of their being there, and that he only saw such as the warder brought to him: do you believe that statement?—I do not, because he comes in and sits down in the office, and the clerk gives him the names of all Roman Catholic prisoners.

5307. Father Signini said they made it an excuse for their not coming to him that they were sent to other business; do you believe that statement?—Then what the prisoners stated was untrue. I should not believe a prisoner unless he was corroborated, as lying is so much a habit with them.

5308. Do you think it is a right thing, when you register the Roman Catholic prisoners, and know their cells, to throw open their doors upon the Sunday, and announce "church" to them?—I cannot see any harm in it.

5309. You have stated that it would be a relaxation to yourself, under similar circumstances, to go to a church, even though it were not of your own religion; would you think it right, in the case of these people, to offer them that inducement in the shape of relaxation?—I do not see any harm in it; I have asked them if there is any harm in it, and they have told me that there was not.

5310. Mr. *Dalrymple.*] I understand you to say that there is no request necessary from a prisoner to see the Protestant clergyman, because the clergyman can visit him without waiting to be asked?—That is so.

5311. So that the idea that there is a necessity upon the Protestant prisoner to see his chaplain, whereas a Roman Catholic prisoner must show a desire to see his priest, is an imaginary state of things?—Yes, that is so.

5312. Every facility is given to the Roman Catholic priest to see prisoners of his own communion?—Yes, there is.

5313. Is the Creed Book open to him?—Yes, I have shown it to him myself.

5314. I suppose the Roman Catholic clergyman is invariably treated as a gentleman should be treated in the prison?—I have always endeavoured to treat him as courteously as I could, and he has admitted it.

5315. Do you imagine that as a paid official he would be treated with greater courtesy?—No, I do not.

5316. Are there any Catholic warders?—No.

5317. What proportion of the prisoners are short-sentenced prisoners?—The greater proportion.

5318. *Chairman.*] What do you call short-sentenced prisoners?—Those prisoners whose sentences are under a month.

5319. Mr. *Knatchbull-Hugessen.*] Father Signini was asked at Question 3382, "And besides that, for instruction for preparing for confession, and for hearing confession; are you allowed to see the prisoners singly;" and his answer is, "Yes, I generally go into a private cell, and there they are brought in one by one if they wish to see me;" you do not agree to the accuracy of that statement, do you?—Yes, I do.

5320. The prisoners are not brought in unless they wish to see him?—No, they are not brought in unless they wish to see him; I do not know whether I have quite understood the honourable Member's question.

5321. I will put it in this form: the Catholic clergyman has told us that the times of his visit are limited and are specified, and that the length of his visit is limited and specified, and that he sees prisoners in a private cell who are brought in one by one if they wish to see him; I want to know whether the expression of a wish upon the part of a prisoner is necessary before he sees the Catholic priest, or whether in contradiction to the answer Father Signini has given, you maintain that the priest can visit the prisoner when and where he pleases in the prison?—I will tell the Committee the manner in which it is done. The Catholic clergyman comes into the corridor of the prison and the warders then go out to the "treadmill," or to any other place where the prisoners are employed, and asks them, "Do you wish to see the priest," and those that do are mustered and marched into the corridor. I do not know precisely what takes place, but Father Signini gets a chair and goes and sits in one of the cells and sees the prisoners one at a time.

5322. The Protestant chaplain can visit the prisoners when he pleases?—So can the Catholic priest if he expresses a wish to do so.

5323. After the answer you have given, that the prisoners are asked if they wish to see the priest, and if they say they do, that they are allowed to do so, the statement that there is a grievance by reason of the necessity of a wish upon the part of some of the prisoners, and a non-necessity upon the part of others, appears to you to be an imaginary grievance?—I imagine that the prisoners go into some sort of confessional to the priest; he sits there to perform some ceremony; I believe it is a totally different thing from the visit of the Protestant chaplain.

5324. Mr. *Dalrymple.*] No request is necessary from a Roman Catholic prisoner to see his clergyman, any more than from a Protestant prisoner?—No; if he wished to visit the priest, he would have a right to do so.

5325. Mr. *Guest.*] Have you known at any time that Father Signini had expressed a wish to see any particular prisoner in the gaol?—No, I have not.

5326. Therefore you do not know that at any time he has visited a prisoner quite of his own accord in the gaol?—I do not.

5327. But when any prisoner expresses a wish to see him, he is always informed of that wish?—Yes, we have sent for him.

5328. Is it not the case that after the instruction which takes place about 10 o'clock in the morning, the prisoners go to their labour?—Yes.

5329. And of course the Roman Catholic priest, Father Signini, is not allowed to go to the "wheel" to see the prisoners there?—No.

5330. The warder is sent instead to ask any prisoners if they wish to see him?—Yes.

5331. And any prisoner who expresses such a wish, is taken off the wheel?—Yes.

5332. How long does Father Signini stop in the prison?—Nearly three hours.

5333. He is never told to leave the prison?—Never.

5334. He leaves of his own accord entirely?—Entirely.

5335. If he wished to stop longer in the prison, he would be allowed to do so?—Certainly.

5336. And if he wished to return later in the day, you know of no order of the justices by which you would be bound to refuse him admittance?—No; I know of nothing of the kind.

5337. *Chairman.*] Has Father Signini a key of the cells?—No, he has not, but he may have one if he asks for it.

5338. Has he been supplied with one?—No.

5339. Do you mean to say that he is obliged to ask for a key, in order to open any cell?—There is a key hanging up in the warder's room, which the chaplain has access to, and he goes in and takes the key.

5340. It is hung up for his convenience there; he, practically, has it in his own possession; is that so?—It is there, but he does not carry it in his pocket.

5341. If he carried it in his pocket he might lose it, but it is hanging up there?—It is.

5342. Is there a key accessible to Father Signini, without any demand from you or any other officer?—There has never been anything said about it.

5343. Let the Committee have it distinctly. You say that the Protestant chaplain has a key, and that that key hangs in a certain place; can the Protestaut chaplain go and get that key without permission from you or any other officer of the prison?—Yes.

5344. He has it at his command completely?—It is so.

5345. Is it the fact that Father Signini has a key at his disposal in that way?—No, he has not.

5346. The Protestant chaplain can open any cell in the prison he pleases?—He can.

5347. Can Father Signini?—He cannot unless he is supplied with a key; and there has been no application made for it.

5348. Mr. *Downing.*] Do you put over the doors of your cells any mark to indicate that a Roman Catholic prisoner is confined there?—Yes, we do.

5349. How did that key come there first for the Protestant clergyman?—It is hung up in the warder's

Mr. *H. Wren.*

23 May 1870.

warder's room with a lot of other keys; there are a lot of hooks, with the names of the different keys which are in the charge of the chief warder.

5350. There is one key for the Protestant chaplain?—There is one key marked "Chaplain."

5351. And there is not one marked "Catholic chaplain"?—There is not.

5352. Did you ever take the trouble to say to the Catholic chaplain, "You can have a key if you wish"?—No, I did not.

5353. Mr. *Fowler.*] I understand you to say that the Catholic clergyman has never applied for it?—Never.

5354. He has not a key, because he has never applied for it?—He has not; I should wish to add that when Father Signini was summoned before this Committee, he told me that he was coming to London, and that he should have the pleasure of giving a very favourable report of his treatment in the gaol.

Mr. JOHN GILBERT TALBOT, a Member of the Committee, called in; and Examined.

Mr. *J. G. Talbot,* M.P.

5355. *Chairman.*] YOU wish to make a statement to the Committee, do you not?—I wish to make a statement with regard to the evidence of the Rev. Mr. Purdon, beginning at Question 2801. Mr. Purdon states in No. 2822, in answer to the Question, "Have you any complaint with reference to the books supplied in the prison?" "I have no complaint whatever with regard to the books supplied, but I have a complaint with regard to the books that are withheld; the visiting justices very kindly, some time ago, recognised an exceedingly excellent class of Catholic books, but some different arrangement subsequently took place in the discipline of the prison which caused the visiting justices to depart from their original recognition of those books, and the only books that are now provided are the Prayer-book, the Catechism, and the Testament." With regard to that answer, I wish to say that the facts are reported to be as follows: Mr. Purdon's predecessor, in the year 1862, produced from his own library a certain number of books, some of which were entertaining, and those he had permission from the justices to distribute. In October 1868, Mr. Purdon asked for a renewal of those books; and in the terms of his application, it appeared that he expected them to be given out of the county funds. Leave was given on that day to issue the books; but they were not provided by the county funds, any more than the books for his predecessor had been. He now says that the books were recognised, and afterwards that that recognition was withdrawn. In answer to that I have to say that there is no record of that, so far as the authorities of the prison are aware, nor do any of the officers remember it. I have also to state that before Mr. Purdon came to the prison, and for some time after he came, the Roman Catholics constantly had entertaining books, but that he objected to them; and on his objection, they are now not issued to that class of prisoners.

APPENDIX.

LIST OF APPENDIX.

Appendix, No. 1.

Paper handed in by Mr. O'Reilly, a Member of the Committee:

Prisons (Religious Instruction).—[Parliamentary Return, No. 24, of 1870.]—Returns of County and Borough Prisons in England, &c. - - - - - - p. 217

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APPENDIX.

Appendix, No. 1.

PAPER handed in by Mr. *O'Reilly*, a Member of the Committee.

PRISONS (RELIGIOUS INSTRUCTION).

[Parliamentary Return, No. 24 of 1870.]

RETURNS of COUNTY and BOROUGH PRISONS in *England*, &c.

THIS Return embraces 124 prisons. In consequence of many Returns giving the number of prisoners in the year instead of on the 20th July, they cannot be included in this Analysis. These may be divided into—

1st. Those in which the number of Roman Catholic prisoners is 100 or upwards.
2nd. Those with 50, but less than 100.
3rd. Those with 25, but less than 50.
4th. Those with more than 10, but less than 25.
5th. Those with 10, or less, down to 1.

1st. One hundred and upwards. There are 8 such prisons; in 5 the Roman Catholic Priest is paid; in 3 he receives nothing.

They are—

No.	PRISON.	Number of Roman Catholic Prisoners on 20 July 1869.	Salary of Roman Catholic Clergyman.	No.	PRISON.	Number of Roman Catholic Prisoners on 20 July 1869.	Salary of Roman Catholic Clergyman.
			£.				£.
41	Liverpool - -	570	300	39	Preston - -	142	100
106	Wakefield -	328	150	11	Chester - -	194	Nil.
38	Kirkdale - -	193	150	55	Coldbath Fields -	395*	,,
42	Manchester -	358	120	57	Correction, Westminster.	178*	,,

* *See* Evidence.

The following Prisons might probably come under the same Class, but from the Returns being for the Year, the exact Number of Prisoners on one Day cannot be ascertained; in 5 the Roman Catholic Priest is paid; in 9 he receives nothing:—

No.	PRISON.	Number of Roman Catholic Prisoners in Year.	Salary of Roman Catholic Clergyman.	No.	PRISON.	Number of Roman Catholic Prisoners in Year.	Salary of Roman Catholic Clergyman.
			£.				£.
40	Salford - -	225	100	14	Derby - -	326	Nil.
22	Durham - -	1,234	70	24	Ilford, Essex -	157	,,
104	Northallerton -	399	40	27	Bristol - -	289	,,
73	Newcastle-upon-Tyne - -	483	30	81	Salop - -	243	,,
				86	Portsmouth -	217	,,
60	Usk, Monmouth	470	25	115	Carmarthen -	117	,,
13	Carlisle - -	265	Nil.	118	Flint - -	111	,,
2	Reading - -	113	,,				

Appendix, No. 1.

2nd.—Prisons in which the number of Roman Catholic prisoners on 20 July is given as not less than 50, but less than 100, are 6, viz.:

Nos. 10. 56. 58. 88. 93. 97.*

* 97. Birmingham: No. of Roman Catholics, 65. Salary, 50 *l.*

3rd.—Prisons with 25 Roman Catholic prisoners, but less than 50, are 9, viz.:

Nos. 9. 34. 37. 71. 85.* 92. 103. 119. 120.

* A salary of 40 *l.* No. of Roman Catholics, 49. (Southampton.)

4th. Prisons with more than 10, but less than 25 Roman Catholic prisoners are 14, viz.:

Nos. 3. 8. 18. 29. 35. 54. 69. 87. 94. 96. 102.* 112. 113. 114.

* 102. Worcester. Although only 13 prisoners, chaplain paid 25 *l.*

5th.—Prisons with numbers of Roman Catholic prisoners, varying from 1 to 10, are 27, viz.:

Nos. 3. 7. 12. 15. 17. 20. 26. 31. 32. 43. 45. 49. 52. 61. 62. 67. 84. 89. 90. 95. 100. 105. 109. 116. 117. 123. 124.

Leaving 47 prisons in which there are no Roman Catholic prisoners, or from which the information is imperfect.

In 34 prisons it is stated that prisoners may be visited by a priest *at their own* request. These are:

6. Cambridge.	47. Spilsby.	77. Nottingham.
8. Wisbeach.	50. Lincoln.	79. Oxford.
9. Chester.	52. Grantham.	82. Taunton.
12. Carlisle.	53. Stanford.	83. Shepton Mallet.
15. Devon.	61. Norwich.	86. Portsmouth.
16. Plymouth.	62. Swaffham.	90. Ipswich.
27. Bristol.	63. Wymondham.	93. Wandsworth.
28. Ditto.	65. Yarmouth.	99. Kendal.
32. St. Alban's.	66. Northampton.	113. Brecon.
45. Lincoln.	75. Nottingham.	131. Merioneth Co.
46. Louth.	76. Southwell.	122. Montgomery Co.

In eight prisons it is stated that, "No other teaching than that of the Established Church is given."

These are, with the number of Roman Catholics in each—

No.		Number of Roman Catholic Prisoners.
5	Cambridge	23
7	Ely	1
30	Hereford	28
37	Lancaster	40
80	Rutland	3
98	Westmorland, County	21
112	Anglesea, County	29
116	Caernarvon	54

Appendix, No. 2.

PAPER handed in by Mr. *S. G. Rathbone.*

ABSTRACT from Bye-Laws of the Liverpool Borough Prison.

Division of Prisoners into Classes and Marking System.

Convicted criminal prisoners shall be divided into classes, to be respectively distinguished by the letters A, B, C, and so on.

The system of giving good or bad marks according to a prisoner's industry or idleness, shall be applied to prisoners sentenced to any term of imprisonment exceeding two calendar months, but shall not be put in force until they shall have been in prison six weeks. Prisoners sentenced to a term of imprisonment not exceeding two months shall not be placed under the marking system.

Prisoners placed under the marking system shall receive a good mark for each day in which they perform the task allotted to them in a satisfactory manner; no mark if they fall a little short of it, and a bad mark if they be positively idle. One bad mark to cancel one good mark. In case of gross idleness or misconduct, the governor shall have power to award more than one bad mark.

Prisoners shall at first be placed in the lowest, or, Class A, and their progress to the higher classes shall depend on their industry and good conduct as shown by the marks respectively at their credit, and shall be regulated in accordance with tables drawn up and determined upon by the visiting justices.

The governor shall have power to order prisoners to be placed in a lower or in a higher class, or to have any of the advantages a higher class would entitle them to, irrespective of the number of marks at their credit, if there be any special circumstances in the case requiring such exceptional treatment.

Labour.

The labour is divided into three descriptions, viz. –

1st. Hard labour of the most penal kinds, to consist of work on the treadmill or crank and oakum-picking; the two first kinds of labour for able-bodied male adults only.

2nd. Hard labour of the ordinary kinds, to consist of picking hemp, cocoa-nut fibre, tailoring, shoemaking, weaving calicoes, mats, and matting with hand-looms, ordinary mat-making, winding bobbins, sewing and knitting sinnott-plaiting, or other kinds of industrial labour which can be performed in the cells of prisoners.

3rd. Labour in association, consisting of all kinds of labour, such as twine-making, work in the power-loom room, in the laundry, kitchen, smithy, packing oakum, &c., whether industrial or in the service of the prison, which is performed in company with other prisoners, with the exception of work on the treadmill or crank, which shall not be considered as labour in association.

The kind of labour a prisoner is to be employed at shall depend on the class he or she is in, as set forth in the tables hereto annexed, always provided that the privilege of a prisoner to be put to labour of the ordinary kinds shall be contingent on his or her being able and willing to make such class of labour profitable to the prison.

Criminal convicted prisoners, not sentenced to hard labour, shall be employed in the least irksome kinds of labour which can be conveniently supplied to them, and which they can make profitable to the prison. They shall be encouraged to perform their tasks by being placed under the marking system, but they shall not be punished for neglect of work except by a reduction in the class of diet as specified in the dietary tables.

The male prisoners who shall perform labour in association shall be selected for good conduct by the governor, and the female prisoners by the matron, at his or her discretion, subject to the following restrictions, namely, that no prisoners sentenced to hard labour shall be put to work in association until they have been at least three months in prison, and in the case of prisoners who are sentenced to hard labour for over six months they shall not be put to labour in association without the special permission of a visiting justice, until they have been one-half the term of their sentence in prison.

Appendix, No. 2.

Where these Bye-laws provide that prisoners shall work a certain number of hours at any kind of industrial labour, they shall be held to mean that the prisoners shall perform such an amount of that kind of labour as, regard being had to the prisoners' strength, previous practice, and acquired skill, it is estimated they can perform by reasonable exertions in the number of hours to be devoted to it.

Chapel.

The attendance of prisoners at the prayers read daily in the chapel shall be regulated as set forth in the tables drawn up and determined upon by the visiting justices.

Books.

Every prisoner who can read shall be supplied with a Bible or New Testament, and one other devotional book, but the privilege of having secular books shall depend on the class a prisoner is in, as set forth in the tables drawn up and determined upon by the visiting justices.

Letters and Visits.

The privilege of writing letters to and receiving letters from friends, and the privilege of receiving visits from friends, shall depend on the class a prisoner is in, in accordance with tables drawn up and determined upon by the visiting justices.

Extra Diet.

All prisoners who earn a good mark daily from Monday to Saturday shall have the extra diet provided by the dietary tables for industrious prisoners during the following week; or if any prisoners shall not have been under the marking system a full week, but have been placed under it on any day in the week not later than Wednesday, and shall earn one good mark daily up to the Saturday following, they shall, in like manner, have such extra diet during the following week, always provided that the same is not forfeited by misconduct.

TABLES referred to in the Bye-Laws drawn up and determined upon by the Visiting Justices.

Class A. to include all prisoners who are not under the mark system, and all others who have not earned good marks enough to entitle them to pass into the next class. Prisoners to enter the Classes B., C., and D. as soon as they have the number of good marks at their credit in proportion to the length of their sentences stated in the scale of marks given in the heading of each class, and to remain in each class until they have good marks enough to entitle them to enter the next, or until they forfeit so many good marks that they are no longer entitled to remain in the class they are in. As no prisoners can begin to earn marks until they have been six weeks in prison, and can only earn one good mark daily, the least time in which a prisoner industriously inclined can work his way out of the A. class is two months, out of B. class three months, and out of the C. class three and a-half months from their entry into prison; and prisoners in for longer periods than six months require more marks to get into the higher classes, as shown in the heading of the different columns.

—	Class A.	Class B. Terms exceeding— Marks. 2 months, and not exceeding 6 months - 12 6 „ „ „ 12 „ - 24 12 „ - - - - - - 36	Class C. Terms exceeding— Marks. 3 months, and not exceeding 6 months - 36 6 „ „ „ 12 „ - 48 12 „ - - - - - - - 60	Class D. Terms exceeding Marks. 14 weeks, and not exceeding 6 months - 48 6 months „ „ 12 „ - 60 12 „ - - - - - - 72
Adult male prisoners sentenced to hard labour.	To perform seven hours on the treadmill or crank, and three hours "hard labour of the ordinary kinds;" or, if the prisoner be sentenced for less than 14 days, 10 hours' oakum-picking, without work on the treadmill or crank, may be substituted at the discretion of the Governor. To attend prayers only at Divine service on Sunday, Good Friday, and Christmas Day. Not to have secular books. Not to send or receive letters. Not to be allowed visits from friends.	To perform six hours' labour on the treadmill or crank, and three hours' "hard labour of the ordinary kinds;" or, if the first three months of the sentence have expired, nine hours' "hard labour of the ordinary kinds." To attend prayers daily. Not to have secular books. Not to send or receive letters. Not to be allowed visits from friends.	To perform nine hours' "hard labour of the ordinary kinds," or, if half the sentence has expired, "labour in association" may be substituted at the discretion of the Governor. To attend prayers daily. To have secular books. To send and receive a letter once in three months. Not to be allowed visits from friends.	To perform labour as in Class C. To attend prayers daily. To have secular books. To send and receive one letter monthly. To be allowed a visit from friends every six weeks.
Juvenile male and all female prisoners sentenced to hard labour.	To perform nine hours' oakum-picking, if sentenced to a term of imprisonment not exceeding one calendar month, and if sentenced to a term of imprisonment exceeding one calendar month, may be similarly employed, or be employed for nine hours at "hard labour of the ordinary kinds," at the discretion of the Governor. To attend prayers daily, except adult female prisoners sentenced to terms of imprisonment of 14 days and under, who shall not attend daily prayers. Not to have secular books. Not to send or receive letters. Not to be allowed visits from friends.	To perform nine hours' "hard labour of the ordinary kinds." To attend prayers daily. Not to have secular books. Not to send or receive letters. Not to be allowed visits from friends.	To perform nine hours' "hard labour of the ordinary kinds," or, if half the sentence has expired, "labour in association" may be substituted at the discretion of the governor or matron. To attend prayers daily. To have secular books. To send and receive a letter once in three months. Not to be allowed visits from friends.	To perform labour as in Class C. To attend prayers daily. To have secular books. To send and receive one letter monthly. To receive a visit from friends every six weeks.
Adult and juvenile criminal convicted prisoners of both sexes not sentenced to hard labour.	To perform the least irksome kind of work which can be conveniently supplied and made profitable to the prison. To attend prayers daily. Not to have secular books. Not to send or receive letters. Not to be allowed visits from friends.	To perform labour as in Class A. To attend prayers daily. To have secular books. Not to send or receive letters. Not to be allowed visits from friends.	To perform labour as in Classes A. and B. To attend prayers daily. To have secular books. To send and receive a letter once in three months. Not to be allowed visits from friends.	To perform labour as in Classes A., B., and C. To attend prayers daily. To have secular books. To send and receive one letter monthly. To receive a visit from friends every six weeks.

The Governor may, at his discretion, substitute one hour-and-a-half of labour on the treadmill or cranks, by way of exercise, in place of any other kind of labour, every other day, in the case of able-bodied adult male prisoners sentenced to hard labour who are in the higher classes.

I N D E X

TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

PRISONS AND PRISON MINISTERS ACTS.

Ordered, by The House of Commons, *to be Printed*,
30 *May* 1870.

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1. *Statement by the Roman Catholic Visiting Clergyman; Sundry Complaints put forward:*

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1. *Representations and Complaints by the Roman Catholic Visiting Clergyman:*

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Evidence as to the grounds for refusing a salary to Mr. Keens; question hereon as to any salary having been applied for, 2471-2475. 2515-2523. 2569-2572. 2605-2632. 2657. 2718-2730. 2760, 2761. 2772-2793——Examination as to the management of the prison generally, witness declining to admit that further facilities for seeing the Roman Catholic prisoners, and for holding Divine service, should be given to Mr. Keens, and approving of distinct religious treatment of Protestants and Roman Catholics in a Protestant country, 2477 *et seq.*

Belief as to its being open to Mr. Keens to visit oftener than twice a week, though he is not allowed to go on Sunday, 2510-2514. 2560-2565——Reference to the long time allowed to elapse without a reply having been given to Mr. Keens' application; impression that this is not the fault of the Court of Aldermen, 2524-2528. 2732-2735——Statement as to Mr. Keens having been refused access to the creed register; doubt as to such refusal being illegal, 2529-2531. 2538-2542. 2637-2652. 2696-2998. 2765-2769.

Constitution of the Gaol Committee of the Court of Aldermen; absence of any Roman Catholic members, 2668-2690——Instances of prisoners not wishing to be troubled with the priest's visits, 2547. 2700-2703. 2746. 2762-2764——Mode of treatment of Dissenters in the prison; objection to any payment to a Dissenting clergyman, 2662-2667. 2692-2695——Explanation relative to the supply of books to the Roman Catholic prisoners; belief that the priest has the right of selection, 2748-2755. 2794-2800.

Change of Religion. Explanation as to prisoners at Clerkenwell who enter themselves as Protestants or as Roman Catholics not being allowed subsequently to change, *Pownall* 1693——Statement in further explanation and approval of the practice at Clerkenwell, as to the record of each prisoner's religion on his arrival, and as to subsequent change not being allowed, *ib.* 1718-1723. 1831-1838. 1859. 1922-1924——

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Explanation as to witness's application for power to give evidence as to the religion of prisoners at Holloway Prison, who, being registered as Protestants, desire to be entered as Roman Catholics, *Keens* 2218–2223——Discouragement of any change of religion in the Government prisoners, *Du Cane* 4940–4942——Approval of the obstacles in Government prisons to change their recorded religion by prisoners, *ib.* 4983–4985. 5001–5005.

Chapels. Circumstance of the visiting justices not being required by Act to provide Roman chapels; approval of chapels being ordered wherever practicable, *Pownall* 1964–2000——Advantage of separate chapels for the Protestants and Roman Catholics, *Dykes* 3282–3284——Non-objection to the use of the Protestant Chapel for Roman Catholic service, *Signini* 3565——Facility with which the same chapel serves for Roman Catholics and Protestants in Liverpool Borough Prison, without interference with the prison discipline or labour, *Nugent* 4091–4098. 4140–4144——Advantage of two chapels in each prison, *Du Cane* 5021, 5022.

Chaplains. See *Roman Catholic Chaplains.*

City Prisons. Constitution of the Gaol Committee of the Court of Aldermen; absence of any Roman Catholic members, *Carter* 2668–2690.

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Clerkenwell House of Detention. Average of about sixty Roman Catholic prisoners, *Crescitelli* 1518–1523. 1615——Permission given to witness about four months ago, to have a Roman Catholic service on Sunday, he having applied to that effect, *ib.* 1524–1527——Attendance of witness on week days for two hours daily; want of an extension of this time, *ib.* 1528–1530. 1587——Advantage also of a second service on Sunday, *ib.* 1531–1534.

Witness is not paid, though his prison work greatly interferes with his parish duties, *Crescitelli* 1537, 1538. 1591–1596. 1605–1610. 1616, 1617——Evidence in support of witness being allowed to have access to prisoners in their cells, and also to hold divine service daily, *ib.* 1538–1582. 1613——Temptation to Roman Catholic prisoners to attend the Protestant Service, *ib.* 1543–1549.

Circumstance of witness having had permission to instruct the prisoners collectively two days in the week, and having given up one day in order to be allowed to perform service on Sunday, *Crescitelli* 1572–1577. 1614. 1625–1631. 1642–1648——Terms of appointment of witness as visiting priest, in succession to Dr. Faa, *ib.* 1600–1604——Objectionable character of the chapel accommodation; obstacle to using the same chapel for all the prisoners, *ib.* 1611, 1612. 1618–1624.

Belief that all the applications made by the Roman Catholic priest, in the case of Clerkenwell prison, have been acceded to by the magistrates, *Pownall* 1651——Difficulty as to space, which prevents any better chapel accommodation being provided at Clerkenwell for the Roman Batholics; witness understood that the priest was satisfied with what has been done in this respect, *ib.* 1651, 1652——Use formerly of the chapel as a dormitory, *ib.* 1651.

Necessity of still using the Roman Chapel at the House of Detention as a dormitory, *Pownall* 1705, 1706——Examination to the effect that at Clerkenwell and other Middlesex prisons, some applications have been made relative to the Roman Catholic prisoners, since the passing of the Prison Ministers' Act of 1863, which have been refused or have not been at once complied with by the magistrates, *ib.* 1724–1735. 1964——Doubt as to the visiting priest at Clerkenwell Prison being thoroughly suited for the position, *ib.* 1868–1872.

See also *Altar Fittings, &c.* *Change of Religion.*

Coldbath Fields House of Correction:

1. *Sundry Details submitted by the Roman Catholic Visiting Clergyman, Complaint being made on various Points.*
2. *Explanations in Detail on the part of the Visiting Magistrates, and of the Governor of the Prison.*

1. *Sundry Details submitted by the Roman Catholic Visiting Clergyman, Complaimt being made on various Points:*

Visits paid by witness four days in the week besides Sunday; statement hereon that he was allowed only three days up to last August, and that he is precluded from visiting daily, though he has not made direct application on the subject, *Kirner* 1032–1035. 1114–1123. 1173, 1174. 1181, 1182. 1196–1198——Attendance of witness on Sunday from nine to eleven, only one service being allowed for the Roman Catholics, whilst there are two for the Protestants, *ib.* 1036–1043. 1110–1113. 1175, 1176. 1248——Average of about 2,000 prisoners, of whom nearly 400 are Roman Catholics, *ib.* 1044, 1045——Necessity of witness attending the infirmary whenever sent for, *ib.* 1046–1049.

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Coldbath Fields House of Correction—continued.

1. *Sundry Details submitted by the Roman Catholic Clergyman, &c.*—continued.

Great disadvantage in witness not being allowed to assemble more than twelve prisoners at a time for daily instruction, *Kirner* 1050–1053. 1163, 1164——Serious interference of the prison work with witness's parochial duties, whereas he receives no payment for the former; conclusion as to his having a fair claim to be placed on a salary, *ib.* 1061–1078. 1154–1158. 1202–1211. 1219. 1239, 1240——Tendency of the Protestant authorities of the prison to interfere with the Roman Catholic prisoners; instances of this, *ib.* 1079–1087. 1091–1094. 1100. 1127–1153. 1159–1161. 1177–1180. 1199–1201. 1216–1218. 1230–1236. 1244–1247. 1257.

Great advantage if witness could attend the prisoners every day, and had free access to the prisoners, *Kirner* 1088–1090. 1202–1207——Circumstance of witness's place having at times been filled by another clergyman; approval of the latter by the visiting justices, *ib.* 1101–1103. 1167–1172. 1212.——Adequacy of the present chapel accommodation for the Roman Catholics, *ib.* 1104–1109——Explanation as to witness not having applied for a salary, *ib.* 1154–1158. 1243.

Compliance, as a rule, with the applications made by witness to the visiting justices, *Kirner* 1173–1182——Advantage if witness were allowed an assistant; he has not applied for one, *ib.* 1183, 1184. 1251–1256——Approval of the manner in which the secular teaching is conducted, *ib.* 1262–1266.

Statement that the majority of the Roman Catholic prisoners are not assembled for reading on Sunday afternoon, *Kirner* 1506–1510——Belief that it is a prisoner and not a warder who reads, *ib.* 1507–1513——Numerous applications from prisoners to witness to see them; he does not restrict himself to those who apply, *ib.* 1511. 1515.

Probable mistake of witness in saying that he was restricted to seeing twelve prisoners at a time, the rule having been changed, *Kirner* 1512——Application made for Sunday afternoon service without effect, *ib.* 1514——Circumstance of the printed rules hung up in witness's room at the prison having stated until the last few days that he could not see more than ten prisoners collectively; recent alteration, extending the number to twenty-five prisoners, *ib.* 1694–1697.

2. *Explanations in Detail on the part of the Visiting Magistrates, and of the Governor of the Prison:*

Statement as to the Roman Catholic prisoners from the associated wards of the prison being assembled every Sunday afternoon, when books approved by the priest are read aloud to them; doubt when this practice commenced, or what numbers are assembled, *Glossop* 1270–1282. 1294, 1295. 1323–1328. 1370, 1371. 1377–1379. 1412–1425. 1433–1436. 1455. 1500–1502. 1466–1470——Belief that application has not been made by the Roman Catholic clergyman for an afternoon service on Sunday; difficulty, however, as likely to interfere with the prison discipline, *ib.* 1283–1295. 1361–1364. 1372, 1373. 1380–1382——Willingness of witness, individually, to extend every reasonable facility to Mr. Kirner, the Roman Catholic priest, as to the holding of services, &c., *ib.* 1284. 1290. 1299. 1362–1364. 1377.

Grounds for objecting to the Roman Catholic clergyman being a salaried officer of Coldbath Fields Prison; feeling respectively, of the visiting justices and the Court of Quarter sessions upon this question, *Glossop* 1298–1301. 1349–1357. 1471–1475. 1477–1499——Difficulty of the visiting justices in persuading the Court of Quarter Sessions to allow mass to be celebrated in the prison, *ib.* 1299. 1341–1348——Statement showing that Mr. Kirner may assemble the Roman Catholic prisoners up to twenty-five in number for daily instruction; belief that he does not exercise this power, *ib.* 1302–1304. 1358–1366. 1398–1401. 1426–1432——Impression that Mr. Kirner very seldom sees prisoners separately unless they express a wish to see him, *ib.* 1304–1306. 1365–1369.

Poor class of the population whence the Roman Catholic prisoners are supplied; this applies equally to the Protestant prisoners, *Glossop* 1307–1322. 1402, 1403——Circumstance of witness not being aware of any application by Mr. Kirner to the magistrates during the last two years; temporary absence of witness when there may have been applications, *ib.* 1332–1336. 1370–1376. 1395–1397. 1460–1465——Practice as to registering the religion of each prisoner on entry; impropriety if the Protestant chaplain has subsequently visited any of those entered as Roman Catholics, *ib.* 1386–1397——Belief that there are no special regulations for Roman Catholics not affecting Protestants, *ib.* 1404.

Circumstance of witness having been unaware of an application by Mr. Kirner's predecessor to deliver a catechetical instruction on Sunday afternoon, *Glossop* 1437–1443——Non-attendance of any Roman Catholic prisoners at the Protestant service on Sunday afternoon, *ib.* 1450——The books are read by a Roman Catholic prisoner, selected for the purpose, *ib.* 1454——Very few Protestant prisoners who attend two services on Sunday, *ib.* 1458, 1459——Belief that all the Protestant prisoners attend daily service, *ib.* 1476.

Probable origin of the permission given at Coldbath Fields Prison to have readings on Sunday

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Coldbath Fields House of Correction—continued.

2. *Explanations in Detail, &c.*—continued.

Sunday afternoon for the Roman Catholics; obstacle to all these prisoners attending, *Pownall* 1653–1658. 1668——Willingness of witness to promote a Sunday afternoon service for the Roman Catholics, if applied for; belief as to the willingness also of the visiting justices generally, *ib.* 1659–1661——Difficulty apprehended on the score of warders' services on Sunday afternoon, *ib.* 1662–1667.

Explanation that not more than 80 prisoners are assembled for the afternoon reading on Sunday, this arrangement being left to the governor, *Pownall* 1707–1710——Further statement upon the question of witness and the visiting justices consenting to an afternoon service on Sunday for the Roman Catholics as well as the Protestants; less difficulty than witness had supposed as regards warders, *ib.* 1711–1717.

Particulars as to the refusal, for some time, of permission to the Roman Catholic priest to see more than one prisoner at once, or to celebrate mass, legal opinion having been twice taken on this question before permission was granted, *Pownall* 1729–1735. 1795–1819. 1873–1884——Reference to the first opinion taken by the visiting justices as being to the effect that it was legal for the priest to see more than one prisoner at a time; further opinion taken to the opposite effect, upon which the magistrates have since acted, and have allowed Divine service to be held, *ib.* 1731–1735. 1795–1819. 1873–1884.

Statement on the subject of the visiting justices having required that each Roman Catholic prisoner should state, on entry, whether he wished to receive the visits of a priest, *Pownall* 1781–1789——Explanation as to restrictions having been imposed in order to prevent familiar conversations in the cells, or improper communications being made to the prisoners by the priest, *ib.* 1790–1794. 1820–1830. 1860–1867. 1889. 1927, 1928. 1986–1997.

Witness, as governor of the prison, explains the circumstances under which an order was issued in the prison to the effect that the Roman Catholic prisoners might attend the Protestant service if he wished, *Colvill* 2022–2031——Possibility of the order, if continued, leading to proselytism; it has, however, been rescinded, *ib.* 2032–2037——Grounds for objecting to a second Roman Catholic service on Sunday afternoon; obstacle to a second service for all the Protestant prisoners, *ib.* 2038–2058——Absence of complaints of proselytising on either side, *ib.* 2059–2061.

Belief as to there being no interference by the Protestant chaplain with Roman Catholic prisoners after entry, *Colvill* 2062, 2063——Practice of taking down the creed register without the chaplain being present, *ib.* 2064–2068—— Difficulty in the way of a daily Roman Catholic service; impression that there has been no application for one, *ib.* 2069–2072——Explanation as to the rules relative to the number of Roman Catholics which might be assembled for daily instruction, having only recently been made known to Dr. Kirner, *ib.* 2073.

See also *Altar Fittings, &c.* *Books.*

Collingridge, The Rev. Ignatius. (Analysis of his Evidence.)—Since 1848 has visited the Roman Catholic prisoners in the Hants County Gaol, at Winchester, 3566–3568——Necessity at first of the prisoners sending for witness before he could see them; relaxation subsequently, by which he was allowed to see them at any reasonable hour, 3569–3582——Appointment of witness as visiting clergyman, 3583, 3584——Permission now given to witness to visit the prison twice a-day, though he is only allowed to see the prisoners separately, 3585–3587. 3892–3906.

Repeated applications made by witness to have Divine service, but without effect; several objections made, 3588–3592. 3603–3614. 3625. 3655–3658. 3686–3699. 3907–3909. 3928–3930. 3961—— Average of about forty-five Roman Catholic prisoners in the gaol, these being chiefly soldiers, 3593–3602——Marked distinction between Dissenters and Roman Catholics as regards attendance at Protestant services, 3603–3609——Offer by witness to provide a room for Divine service, and to fit it up, 3610–3614. 3772–3776. 3786–3788.

Grounds for complaint as to the attendance of Roman Catholics at the Protestant service on Sunday; inducement to such attendance, 3615–3624. 3681–3685. 3713–3718. 3758–3760. 3910, 3911——Objection by the magistrates to the use, by witness, of the Protestant chapel for a Sunday service; belief that there was no good reason for such objection on the ground of discipline, 3626–3632. 3787–3810. 3864–3866. 3940–3945. 3964. 3977–3990——Long distance necessarily travelled by witness, and long time occupied, in going to and from the gaol, 3633–3636. 3743. 3823. 3913, 3914.

Supply of Roman Catholic books provided by the justices on witness's recommendation; complaint, however, as to the Protestant Bible and Prayer Book, and a Protestant tract, being invariablly placed in each cell, 3637–3649. 3752–3757. 3858–3863. 3915–3920. 3974–3976——Importance of witness being allowed to see the prisoners for a longer time than three hours daily, and being also allowed to instruct them collectively; beneficial results anticipated, 3650–3655. 3670–3672. 3731–3737. 3876–3879. 3962, 3963.

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Collingridge, The Rev. Ignatius. (Analysis of his Evidence)—*continued.*

Payment of a salary of 40 *l.* a year to witness's predecessor and to witness, the Protestant chaplain receiving 300 *l.* a year; details on this question, witness contending that he is fairly entitled to a much larger payment for his services, though he has not made application to that effect, 3659-3670. 3719-3730. 3738-3748. 3782, 3783. 3811-3836. 3885-3888. 3946-3960. 3971-3973. 3991-4001.

Argument that the Roman Catholic prisoners are entitled to precisely the same facilities for religious instruction as the Protestants, and that equality of treatment should be enforced by Act of Parliament, 3674-3680. 3807. 3882-3884——List furnished to witness, showing the prisoners entered as Roman Catholics; doubt, however, as to there being any creed register, 3696-3712. 3837-3840——Impression as to the visiting justices having offered a salary to witness's predecessor, chiefly for the purpose of being able to say that they had offered it, 3813——Instances of Roman Catholics entering themselves as Protestants, and *vice versâ*, 3840-3857.

Visits paid by the Protestant chaplain to the Roman Catholic cells; witness, however, makes no complaint on this score, 3867-3870——Complaint as to the instruction in the school; amendment suggested in this respect, 3871-3875. 3931-3937. 3965-3970——More liberal spirit evinced by the visiting justices, and increased concessions granted to witness, since Lord Carnarvon has been chairman, 3880, 3881——Correspondence between witness and the visiting justices adverted to 3921-3939.

Colvill, Lieutenant Colonel Thomas Harpur. (Analysis of his Evidence.)—Is Governor of Coldbath Fields House of Correction, 2021——Explains the circumstances under which an order was issued in the prison to the effect that the Roman Catholic prisoners might attend the Protestant service if they wished, 2022-2031——Possibility of this order, if continued, leading to proselytism; it has, however, been rescinded, 2032-2037——Grounds for objecting to a second Roman Catholic service on Sunday afternoon; obstacle to a second service for all the Protestant prisoners, 2038-2035.

Absence of complaints of proselytising on either side, 2059-2061——Belief as to there being no interference by the Protestant chaplain with the Roman Catholic prisoners after entry, 2062. 2063——Practice of taking down the creed register without the chaplain being present, 2064-2068——Difficulty in the way of a daily Roman Catholic service; impression that there has been no application for one, 2069-2072——Explanation as to the alteration of the rules relative to the number of Roman Catholics which might be assembled for daily instruction having only recently been made known to Dr. Kirner, 2073.

Compulsory Appointment (Roman Catholic Chaplains). Conclusion as to the expediency of Parliament, if so minded, directing that paid chaplains shall be appointed, *Pownall* 1751-1755. 1890-1897. 1914-1921. 1949-1955. 1999-2002——Opinion adverse to certain provisions of the Prisons Ministers Act being made compulsory, *Earl of Carnarvon* 4488-4491.

Conclusion of the Committee in favour of prison authorities being required by the law to appoint Roman Catholic ministers, *Rep.* iii.

See also *Roman Catholic Clergy.*

Convict Prisons. See *Government Prisons. Ireland. Millbank Prison.*

County Prisons. See *Bristol Gaol. Cardiff Goal. Coldbath Fields House of Correction. Divine Service. Maidstone Gaol. Religious Instruction. Roman Catholic Chaplains. Wakefield Gaol. Winchester Gaol.*

Creed Registers. Approval of prisoners being classified on entrance either as Protestants or Roman Catholics, *White* 291-293——Improvement if some independent authority were to inquire into the religious persuasion of any prisoner when there is a doubt in the matter, *Kirner* 1241, 1242——Respects in which access to the creed register at Holloway would be very useful to witness, *Keens* 2216, 2217. 2362-2372——Statement as to Mr. Keens having been refused access to the creed register; doubt as to such refusal being illegal, *Carter* 2529-2531. 2538-2542. 2637-2652. 2696-2698. 2765-2769——Statement as to Roman Catholics sometimes registering themselves as Protestants in the belief that they will be better treated, *Myers* 3099-3110. 3176-3178.——*See* also *Change of Religion.*

Crescitelli, The Rev. Dominic. (Analysis of his Evidence.)—Is visiting Roman Catholic clergyman of Clerkenwell House of Correction, 1516, 1517——Average of about sixty Roman Catholic prisoners, 1518-1523. 1615——Permission given to witness about four months ago to have service on Sunday, he having applied to that effect, 1524-1527——Attendance of witness on week days for two hours daily; want of an extension of this time, 1528-1530. 1587——Advantage also of a second service on Sunday, 1531-1534.

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Crescitelli, The Rev. Dominic, (Analysis of his Evidence)—continued.

Statement as to witness having had to provide certain articles essential for his celebrations at the altar; improved accommodation required, 1535, 1536. 1583–1586. 1588–1590. 1597–1599. 1632–1641——Witness is not paid, though his prison work greatly interferes with his parish duties, 1537, 1538. 1591–1596. 1605–1610. 1616, 1617——Evidence in support of witness being allowed to have access to prisoners in their cells, and also to hold Divine service daily, 1538–1582. 1613——Temptation to Roman Catholic prisoners to attend the Protestant service, 1543–1549.

Circumstance of witness having had permission to instruct the prisoners collectively two days in the week, and having given up one day in order to be allowed to perform service on Sunday, 1572–1577, 1614. 1625–1631. 1642–1648——Terms of appointment of witness as visiting priest in succession to Dr. Faa, 1600–1604——Objectionable character of the chapel accommodation; obstacle to using the same chapel for all the prisoners, 1611, 1612. 1618–1624.

Crime. Very large proportion of the prisoners at Liverpool Borough Prison whose crimes arise directly or indirectly from drink, *Nugent* 4077–4080.

Crofton, The Right Hon. Sir Walter, C.B. (Analysis of his Evidence.)—Large experience of witness in England and Ireland in connection with prisons and their management, 5054, 5055——Equality of Roman Catholic and Protestant prisoners in Ireland, both in the convict prisons and the county prisons, as regards the services of chaplains of their own persuasion, 5058, 5059——Very beneficial effect, in a religious and reformatory sense, of the appointment of chaplains in Ireland, in accordance with the religious persuasion of the prisoners, 5060–5064——Conclusion as to the good effect likely to follow from the appointment of Roman Catholic chaplains in English prisons; instances of such appointment, with excellent results, 5065–5070.

Equally good effect anticipated in England, as in Ireland, on the score of discipline, by the appointment of Roman Catholic chaplains, 5071–5073. 5108——Expediency of the Roman Catholic chaplain having the same status as the Protestant chaplain, 5074–5080. 5185, 5186——Statement as to there being salaried Protestant chaplains in gaols and workhouses in Ireland, though there are sometimes hardly any Protestant inmates, 5082–5090. 5098–5107.

Consideration of the system of remuneration of Roman Catholic chaplains in England, witness approving of the capitation principle to a great extent, but submitting that the salary should be a matter of special contract in each case between the prison authorities and the chaplain, 5091–5097. 5109, 5110. 5115 *et seq.*——Probable necessity of an increase of staff in some prisons in order to carry out a Roman Catholic service on Sunday, 5111–5114.

Evidence opposed to the amount of salaries being fixed by Act, or to any scale being laid down, witness holding that the compulsory appointment of Roman Catholic chaplains is all that is required; there should, however, be an appeal from the magistrates to the Home Secretary, 5121 *et seq.*——Objection to any provision in a new Act relative to travelling expenses, 5140, 5141.

Probable advantage of a power to transfer long-sentence prisoners from one county prison to another, so as to obviate the appointment of Roman Catholic chaplains where there are very few Catholic prisoners, 5142–5145——Discretion left to the grand jury in Ireland as to the amount of salary, 5146–5148——Opinion as to there being no necessity for the appointment of Dissenting chaplains, 5176–5179.

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Dark Cells. Importance of the visits of witness to prisoners in the dark cells at Wakefield Gaol, *Eyre* 4544–4547.

Discharged Prisoners. Excellent operation of a discharged prisoners' relief society at Liverpool, *Nugent* 4116–4120.

Discipline. Obedience to be paid by witness to all the prison rules at Coldbath Fields, if an officer of the prison; *Kirner* 1098, 1099. 1165, 1166. 1186–1191. 1237, 1238——Necessity, on the score of discipline, of restricting the visits of the clergy, *Glossop* 1503–1505——Excellent effect as regards discipline at Liverpool Borough Gaol, through the appointment of a Roman Catholic chaplain, *Nugent* 4047–4051. 4128.

Facility in all prisons of defining the respective duties of Protestant and Roman Catholic chaplains, *Rathbone* 4166——Favourable effect upon the discipline of the Liverpool Borough prison, more especially on the female side, since the appointment of Mr. Nugent, *ib.* 4168–4170. 4182.

Advantage of witness's position as regards the observance of the rules by the prisoners at Millbank, *Zanetti* 4863. 4899——Conviction that discipline would be improved by a more

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more general appointment of Roman Catholic chaplains, *Zanetti* 4899. 4934——Equally good effect anticipated in England, as in Ireland, on the score of discipline, by the appointment of Roman Catholic chaplains, *Sir W. Crofton* 5071–5073. 5108.

Dissenters. Instances of applications for visits of Dissenting clergy to Tothill Fields Prison; reference hereon to the practice of returning all Dissenters as Protestants, *O'Brien* 647, 648. 750–760. 795–801——Facility allowed to Dissenters, Jews, &c., at Tothill Fields, to see ministers of their own persuasion, *Mrs. Billiter* 865–869. 959, 960. 998, 990. 1015–1022——Explanation that Dissenters are specified in the return filled up on entry, *ib.* 954–958——Absence of difficulty as regards the religious services of Dissenters in Coldbath Fields prison, these not objecting to the ministrations of the same Protestant chaplain, *Kirner* 1223–1229. 1249, 1250. 1258–1261.

Circumstance of their being no payment to Dissenting ministers in respect of Dissenters in prisons, *Pownall* 1685. 1690–1692——Mode of treatment of Dissenters in the Holloway Prison; objection to any payment to a Dissenting clergyman, *Carter*, 2662–2667. 2692–2695.

Marked distinction between Roman Catholics and Protestant Dissenters as regards attendance at the chapel services, *Signini* 3417–3419. 3488–3494; *Collingridge* 3603–3609; *Nugent* 4032–4035——Very rare instances of Dissenters objecting to attend the Church of England services, *Rathbone* 4213–4215. 4221–4223——Probability of Dissenters being less unwilling, conscientiously, than Roman Catholics to attend Church of England services, *Earl of Carnarvon* 4352–4357. 4392–4395——Readiness of Dissenters to attend the Church of England service, whereas Roman Catholics must not do so, *Eyre* 4567–4571.

Small proportion of the prisoners at Bristol Gaol who are Dissenters; readiness of these to attend the Church of England services, and to see the Protestant chaplain, *Gardner* 4606–4620——Belief as to Dissenters making no difficulty about attending the Church of England service, *Zanetti* 4893–4896. 4900, 4901. 4906–4908——Willingness of any Dissenters in the Government prisons to be classed under the head of "Protestants," *Du Cane* 4991–4994. 5036——Opinion as to there being no necessity for the appointment of Dissenting chaplains, *Sir W. Crofton* 5176–5179.

Very rare instances of Protestant prisoners objecting to join in Church of England worship, *Rep.* iii——The Committee consider that when such cases occasionally occur, they may be satisfactorily met by the prison authorities under the powers which they now possess by Act of Parliament, *ib.*

Divine Service. Inducement to Roman Catholic prisoners to attend Protestant service as a means of enabling them to leave their cells, where there is no Roman Catholic service, *Rathbone*, 4221. 4282; *Zanetti* 4890, 4891; *Eyre* 4548; *Du Cane* 4986. 4999——Serious obligations upon Roman Catholics to attend religious worship upon Sunday, it being a great grievance when they cannot do so, *Eyre* 4549–4554.

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1. *Statement by the Roman Catholic visiting Clergyman; sundry Complaints made.*

2. *Explanations on the part of the City Authorities, or Governing Body.*

1. *Statement by the Roman Catholic visiting Clergyman; sundry Complaints made:*

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ROMAN CATHOLIC CHAPLAINS:

1. *As to the Expediency of the Appointment of paid Roman Catholic Chaplains of Prisons.*
2. *As to the Status to be held by Roman Catholic Chaplains.*
3. *As to the Salaries to be given, and the principle upon which to be regulated.*
4. *Statistics of the Number of Roman Catholics in Prisons, and of the Payments to Roman Catholic Clergymen.*
5. *Conclusions and Recommendations of the Committee.*

1. *As to the Expediency of the Appointment of paid Roman Catholic Chaplains of Prisons:*

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2. *Explanations in Detail on the part of the Visiting Justices.*

1. *Sundry Representations and Complaints by the Roman Catholic Visiting Clergyman:*

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2. *Explanations in Detail on the part of the Visiting Justices*—continued.

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON

PRISONS AND PRISON MINISTERS ACTS.

Ordered, by The House of Commons, *to be Printed*,
30 *May* 1870.

259.

Under 4 *oz.*

MINUTES OF PROCEEDINGS

OF THE

SELECT COMMITTEE

ON THE

PUBLIC PROSECUTORS BILL.

Ordered, by The House of Commons, *to be Printed*,
30 *May* 1870.

Wednesday, 4th May 1870.

Public Prosecutors Bill read a second time, and committed to a Select Committee.

Monday, 16th May 1870.

Select Committee nominated of—

Mr. Attorney General.
Mr. Gathorne Hardy.
Mr. Vernon Harcourt.
Mr. Russell Gurney.
Mr. Bonham-Carter.
Mr. Walpole.
Mr. Hibbert.
Mr. Ball.
Mr. Downing.
Mr. Gordon.
Mr. Rathbone.
Mr. Scourfield.
Mr. West.
Mr. Staveley Hill.
Mr. Eykyn.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

PROCEEDINGS OF THE COMMITTEE.

Wednesday, 12*th May* 1870.

MEMBERS PRESENT:

The Attorney General.	Mr. Staveley Hill.
Mr. Gathorne Hardy.	Mr. Ball.
Mr. Rathbone.	Mr. Eykyn.
Mr. Hibbert.	Mr. Downing.
Mr. Bonham-Carter.	Mr. Scourfield.
Mr. Gordon.	

Mr. *Gathorne Hardy* was called to the Chair.

The Committee deliberated.

[Adjourned till To-morrow, at Twelve o'clock.

Thursday, 19*th May* 1870.

MEMBERS PRESENT:

Mr. GATHORNE HARDY in the Chair.

Mr. Hibbert.	Mr. Scourfield.
Mr. Gordon.	Mr. Bonham-Carter.
Mr. Ball.	Mr. Eykyn.
Mr. Downing.	Mr. West.
Mr. Rathbone.	Mr. Attorney General.
Mr. Russell Gurney.	Mr. Staveley Hill.
Mr. Vernon Harcourt.	

The Committee proceeded with the Bill.

Preamble *postponed*.

Clauses 1 to 10 *postponed*.

Clause 11. Amendment proposed in line 2 to leave out the words "in his discretion," in order to insert the words "upon the recommendation of the justices of the peace for a county, riding, division of a county, or liberty, or for a borough having a separate court of quarter sessions"—(Mr. *Hibbert*).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 3.	Noes, 10.
Mr. Downing.	The Attorney General.
Mr. Bonham-Carter.	Mr. Vernon Harcourt.
Mr. Rathbone.	Mr. Russell Gurney.
	Mr. Hibbert.
	Mr. Ball.
	Mr. Gordon.
	Mr. Scourfield.
	Mr. West.
	Mr. Staveley Hill.
	Mr. Eykyn.

Words inserted.—Other Amendments made.—Question, That this Clause, as amended, stand part of the Bill—put, and *negatived*.

Clause 12. Amendment proposed, to leave out all the words from the beginning of the Clause to the word "than," in line 2—(Mr. *Scourfield*).—Question put, "That the words proposed to be left out stand part of the Clause."—The Committee divided:

Ayes, 10.	Noes, 3.
Mr. Attorney General.	Mr. Downing.
Mr. Vernon Harcourt.	Mr. Scourfield.
Mr. Russell Gurney.	Mr. Staveley Hill.
Mr. Bonham-Carter.	
Mr. Hibbert.	
Mr. Ball.	
Mr. Gordon.	
Mr. Rathbone.	
Mr. West.	
Mr. Eykyn.	

Clause *agreed to.*

Clause 13, amended, and *agreed to.*

Clause 14, *agreed to.*

Clause 15, *postponed.*

Clause 16. An Amendment made.

Amendment proposed, in line 2, to leave out from the words "a barrister-at-law," to the words "any circuit," in line 3, in order to insert the words "so many barristers-at-law, not exceeding five in number, of not less than ten years' standing, to act as counsel for public prosecutions," instead thereof—(*Mr. Vernon Harcourt*).—Question, "That the words proposed to be left out stand part of the clause,"—put, and *negatived.*

Question proposed, That those words be there inserted.—Whereupon Amendment proposed to the said proposed Amendment to leave out the word "ten," in order to insert the word "seven" instead thereof—(*Mr. Attorney General*).—Question put, That the word "ten," stand part of the said proposed Amendment.—The Committee divided:

Ayes, 5.	Noes, 8.
Mr. Vernon Harcourt.	Mr. Attorney General.
Mr. Russell Gurney.	Mr. Bonham-Carter.
Mr. Gordon.	Mr. Hibbert.
Mr. Staveley Hill.	Mr. Ball.
Mr. Eykyn.	Mr. Downing.
	Mr. Rathbone.
	Mr. Scourfield.
	Mr. West.

Word "seven," inserted in the proposed Amendment. Amendment, as amended, *agreed to,* and inserted.

Another Amendment proposed in line 8, to leave out all the words after "and" to the word "salary" in line 9—(Mr. *Staveley Hill*).—Question, "That the words proposed to be left out stand part of the clause.—The Committee divided:

Ayes, 11.	Noe, 1.
Mr. Attorney General.	Mr. Staveley Hill.
Mr. Vernon Harcourt.	
Mr. Russell Gurney.	
Mr. Bonham Carter.	
Mr. Hibbert.	
Mr. Ball.	
Mr. Gordon.	
Mr. Rathbone.	
Mr. Scourfield.	
Mr. West.	
Mr. Eykyn.	

Clause

Clause, as amended, *agreed to.*

Clause 17.—Amendments made.—Clause as amended, *agreed to.*

Clause 18, *postponed.*

[Adjourned till To-morrow, at Twelve o'clock.

Friday, 20th May 1870.

MEMBERS PRESENT:

Mr. GATHORNE HARDY in the Chair.

Mr. Russell Gurney.	Mr. West.
Mr. Rathbone.	Mr. Ball.
Mr. Vernon Harcourt.	Mr. Bonham-Carter.
Mr. Hibbert.	Mr. Gordon.
Mr. Eykyn.	Mr. Scourfield.
Mr. Staveley Hill.	Mr. Downing.
Mr. Attorney General.	

Clauses 19—24, *postponed.*

Clauses 1—4, *postponed.*

Postponed Clause 5. Amendment proposed in sub-section 1, line 1, to omit the words, "where he is informed"—(Mr. *Vernon Harcourt*).—Question put, "That those words stand part of the clause."—The Committee divided:

Ayes, 3.	Noes, 8.
Mr. Gordon.	Mr. Attorney General.
Mr. West.	Mr. Vernon Harcourt.
Mr. Staveley Hill.	Mr. Russell Gurney.
	Mr. Bonham-Carter.
	Mr. Hibbert.
	Mr. Ball.
	Mr. Rathbone.
	Mr. Eykyn.

Other Amendments made.—Clause, as amended, *agreed to.*

Postponed Clause 6, amended, and *agreed to.*

Clauses 7 and 8 *disagreed to.*

Postponed Clauses 9, 10, and 15, amended, and *agreed to.*

Postponed Clause 20, *agreed to.*

Postponed Clause 21, amended, and *agreed to.*

Postponed Clause 22, *postponed.*

Postponed Clauses 23 and 24, amended, and *agreed to.*

[Adjourned till Thursday, at Twelve o'clock.

Thursday, 26th May 1870.

MEMBERS PRESENT:

Mr. GATHORNE HARDY in the Chair.

Mr. Walpole.	Mr. Attorney General.
Mr. Rathbone.	Mr. Eykyn.
Mr. Hibbert.	Mr. West.
Mr. Staveley Hill.	Mr. Russell Gurney.
Mr. Vernon Harcourt.	Mr. Scourfield.
Mr. Bonham-Carter.	Mr. Downing.

Postponed Clauses 1 and 2, *agreed to.*

Postponed Clause 3, amended, and *agreed to.*

Postponed Clause 4, *agreed to.*

Postponed Clause 22, *disagreed to.*

Several new Clauses added.

[Adjourned till Monday, at Three o'clock.

Monday, 30th May 1870.

MEMBERS PRESENT:

Mr. GATHORNE HARDY in the Chair.

Mr. Russell Gurney.	Mr. Staveley Hill.
Mr. Rathbone.	Mr. Vernon Harcourt.
Mr. West.	Mr. Scourfield.
Mr. Eykyn.	Mr. Attorney General.
Mr. Bonham-Carter.	

New Clause added.

Preamble *agreed to.*

Question, "That the Chairman do report this Bill, with Amendments, to the House," —put, and *agreed to.*

Ordered, To Report.

MINUTES OF PROCEEDINGS

OF THE

SELECT COMMITTEE

ON THE

PUBLIC PROSECUTORS BILL.

Ordered, by The House of Commons, *to be Printed,*
30 *May* 1870.

260.

Under 1 *oz.*